



## Area Planning Committee (South and West)

**Date** Tuesday 22 June 2021  
**Time** 9.30 am  
**Venue** County Hall, Durham - County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 22 April 2021 (Pages 3 - 10)
5. Applications to be determined
  - a) DM/21/00198/FPA - Land East of Home Farm, Sedgefield, TS21 2EJ (Pages 11 - 28)  
Retention and use of existing outbuildings and land for the non-commercial breeding and keeping of dogs
  - b) DM/21/01319/FPA - 8, 9 And 10 Newgate Centre, Bishop Auckland, DL14 7JQ (Pages 29 - 46)  
External alterations including amendment to fenestrations and new plant to facilitate change to a job centre.
  - c) DM/20/03233/FPA - Land East Of Ornella View, Mickleton, Barnard Castle, DL12 0JY (Pages 47 - 68)  
Detached 4 bedroom dwelling
  - d) DM/21/00500/FPA - Feryemount Nursing Home, North Street, Ferryhill, Co Durham (Pages 69 - 84)  
Proposed refurbishment and modernisation of existing care facility, comprising 6no. apartments, 10no. resident bedrooms and 6no. staff accommodation rooms.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
14 June 2021

To: **The Members of the Area Planning Committee (South and West)**

Councillor G Richardson (Chair)  
Councillor A Savory (Vice-Chair)

Councillors E Adam, J Atkinson, V Andrews, D Boyes, J Cairns,  
L Brown, M McKeon, D Oliver, S Quinn, M Stead, A Sterling,  
P Taylor and S Zair

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**Contact: Kirsty Charlton**

**Tel: 03000 269705**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Remote Meeting - This meeting is being held remotely via Microsoft Teams on **Thursday 22 April 2021 at 9.30 am**

**Present:**

**Councillor J Clare (Chair)**

**Members of the Committee:**

Councillors J Atkinson (Vice-Chair), J Blakey, L Brown, J Chaplow, I Jewell, S Quinn, J Shuttleworth and S Zair

**Also Present:**

Councillor A Savory

**1 Apologies**

Apologies were received from Councillors D Bell, G Huntington, E Huntington, J Maitland, G Richardson and F Tinsley.

**2 Substitute Members**

There were no substitute Members in attendance.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

The Minutes of the Meeting held on 30 March 2021 were agreed as a correct record to be signed by the Chair.

**a DM/20/03744/FPA - Building South West of St Annes Centre, West End, Wolsingham**

The Committee considered a report of the Planning Officer in relation to the conversion and extension of pavilion to form food/ refreshment sales kiosk

and WC facilities at building South West of St Annes Centre, West End Wolsingham (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

In response to queries from both Councillor L Brown and the Chair regarding the separation distance between the property of the objectors, the Principal Planning Officer confirmed that his measurement was correct at 20m from the edge of their building to the corner of the existing dwelling.

The Chair further queried whether this was a normal separation distance between public toilets and a residential property and the Principal Planning Officer confirmed that there was no set policy, however at 20m from the nearest habitable room, there was not considered to be a significant loss of amenity.

Councillor Savoury, Local Member and Wolsingham Paris Councillor, confirmed that she had taken legal advice and was permitted to speak, after which she would then withdraw from the meeting.

She declared an interest as she had allocated some of her Neighbourhood Budget to the project, should it be approved.

She spoke in favour of the application for the following reasons.

The Recreation Field at Wolsingham, she described as a jewel in Wolsingham's Crown. It had been gifted to the people of the Parish and was a popular venue with local residents and visitors alike, used by families for generations.

Over the years new attractions had been added to enhance the facilities, some of which had been adapted for disabled users. The Recreation field was situated at the West End area of the village and historically a general dealers operated across the road from the park which gained a great deal of trade users of the park to purchase ice cream, lollies and drinks. This had posed a risk due to the busy main road in between. The shop had been closed for several years and the nearest was approximately 750 metres away.

The facility of having a kiosk selling refreshments could in her opinion, only be an asset and add to the attraction of this facility. The new toilet facility was much needed especially when groups of children from the local primary school and nursery visited the park. The current facility was across the busy Car Park and this kiosk would promote safety as people will not have to leave the venue to purchase drinks and snacks.

People with pets would be able to sit and enjoy a drink whilst keeping an eye on their children and those with both older and younger children would have an excellent vantage point to watch them using the skate park and play area.

Councillor Savory gave examples of people who would benefit from the use of the park; Wolsingham had recently been awarded the walkers are welcome accreditation and the kiosk would be on a popular route for them to stop for refreshments, the Bowling green hosted visitors who often brought spectators, the toddler group which operated from the St Anne's Centre and school children that were not permitted to go off site during school times, but visited after school.

The kiosk would support outdoor enjoyment, which people were encouraged during the COVID-19 recovery period. The current operation included an ice cream van with limited stock which parked up in the car park with the engine is running all day. Councillor Savory advised that the best two reasons for supporting the project was that it promoted tourism and would create at least one job and possibly more in busier periods.

Councillor Savory continued that she was pleased to see from the Officers report that the concerns of the one objector had been properly considered by Officers including Environmental Health, however, no objections had been raised, subject to the conditions listed in the report.

Ms M Ferguson spoke on behalf of Mr and Mrs Bell who lived in the property located immediately to the west of the application site. They were likely to be most affected by the development proposed which would be positioned up to their garden boundary wall. The report stated that the proposal will be 20m from their home, however it would be 11m due to an extension which was not shown on the Ordnance Survey plans.

Mr and Mrs Bell were worried about increased noise in close proximity to their property, as well as odours from the proposed sale of hot food as well as the toilets. Residents on the east side of the recreation ground suffered from anti-social behaviour and other problems associated with the existing toilets and they did not want the same problems.

Ms Ferguson advised that the proposed building would be a focal point for those queuing for and eating food sold on the premises and bring more intensive activity and noise closer to the property. It was not proper to justify this increased disturbance on the fact that there were other activities close by that happened to be built using permitted development rights such as the play equipment.

Ms Ferguson confirmed that they had consistently raised concerns about how the application has been described and it wasn't a barrister had been appointed that and there was an associated threat of judicial challenge that the application was withdrawn from the last committee and the description of the development and associated recommended conditions were changed.

Nevertheless, there were still fundamental concerns about the application and the way it had been put forward and justified in the officer's report. Firstly, whilst the report described the existing building as being in use for storage, the application description still stated 'pavilion'. This was misleading in the extent of activity perceived in connection with the current structure.

Secondly, it was clearly the intention of the applicant to serve more hot food than jacket potatoes as indicated on the revised menu as was alluded to by the list of equipment in condition number. If the intention was to only sell jacket potatoes, cold sandwiches and ice cream, then what was the need for a toaster, sandwich toaster, waffle maker, microwave and bain marie, as well as a jacket potato cooker.

Furthermore, condition 6 required a scheme to control emissions and fumes from the hot food use to protect neighbours, which would not ordinarily be required for the cooking of jacket potatoes. It was the inconsistency between what was intended, what was proposed, and how the proposed use would be controlled which caused Mr and Mrs Bell a great deal of unease.

***Ms Ferguson suggested that there seemed to be a reluctance to call the proposal what it was; a shop selling hot food to takeaway, a hot food takeaway, because a hot food takeaway would be contrary to policy 30 of the County Durham Plan.***

***Policy 30 stated that in order to promote healthy lifestyles in young people, proposals for takeaways within 400 metres of a school would not be permitted. Further consideration would need to be given to the impact that the development would have in terms of noise and odours. Where it was considered that the proposal would give rise to unacceptable impact, the application should be refused.***

***The application use was described as sui generis which meant in a class of its own and this was the reason for saying the proposal would not be subject to Policy 30 which related to A5 hot food takeaways only. However, the Government recently changed the use classes order removing A5 use – hot food takeaways were now sui generis. Furthermore, the menu was not, and could not be conditioned, and so the planning authority would, have no control whatsoever over the extent of hot food sold as opposed to cold food.***

***The Environmental Health Officer had recognised that a hot food takeaway would harm the living conditions of residents but raised no objection subject to a condition that the property did not operate as a hot food takeaway. Condition 6 required means of dealing with odour and fumes from the cooking of hot food on the premises which suggested otherwise. Such equipment could also cause noise problems, with fans operating constantly.***

This building was right against the boundary of a residential property and nobody in the same circumstances would be content with this arrangement. Ms Ferguson asked Members to put themselves Mr and Mrs Bell's position and consider what they were being asked to approve and how it was proposed to be enforced and controlled. The correct recommendation, given the environmental health concerns about a hot food takeaway operating in such close proximity to residential property, and to a school, would be to refuse planning permission.

The Principal Planning Officer responded to confirm that he had reviewed the aerial images of and the distance measured was 20m. He confirmed that there were hot food elements however it was not in the hot food takeaway category due to the volume of food that would be sold and should there be an increase to the hot food element, he was satisfied that appropriate enforcement action could be taken.

The Chair queried the comments regarding the categorisation of the premises as sui generis and of the concerns that the hot food element could be increased in future. The Planning and Development Solicitor confirmed that the A5 use did not exist anymore however sui generis was not within a particular use or class but you could not move from one type of sui generis use to another without there being a material change in circumstances. If there was a material change in circumstances, then planning enforcement powers would be used.

With regards to the issue on separation distances, the Planning and Development Solicitor asked Ms Ferguson to clarify the position that the measurement was taken from and she advised that the measurement had been conveyed to her by Mr and Mrs Bell.

Ms Ferguson highlighted that the report did state what the application was a mixed use of and the Chair asked the Planning Development Solicitor to confirm whether he was satisfied that the conditions of the application would not allow this to morph into a hot food takeaway.

The Planning Development Solicitor advised that the main possibilities for this particular application were;

- A1 Retail use (EA) with an element of hot food takeaway use.

- A5 use (sui generis)
- Primary hot food takeaway with retail use
- Composite/mixed use

The Principal Planning Officer had confirmed that there was a mix of retail and hot food takeaway use, however it was generally of a mixed use and therefore sui generis. He advised that there could be fluctuations of the two mixed use without a change of use taking place, but there was no fixed percentage. Notwithstanding should the hot food sales start to significantly outweigh the cold food, the conclusion would be that the application was no longer of mixed use and was actually a hot food takeaway and the Council had the ability to use enforcement powers.

Councillor Jewell advised that the Committee were to decide whether the application was appropriate or not and not on predictions of what may or may not happen in future. He considered that the conditions included mechanisms to take action should any of the scenarios mentioned by the objector should come to fruition.

The Applicant, Ms S Ramshaw, confirmed that this was a popular recreation area with residents and visitors due to the various amenities. The kiosk would be in a suitable area to the north east of the site. St Annes centre had been considered as a venue for the additional toilet facilities but was considered unsuitable due to safeguarding issues regarding to the use of the building by external parties.

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In response to a question from the Chair, Ms Ramshaw confirmed that a contractor had been approached to run the business on the hours proposed in the application.

In response to a further question from the Chair, the Principal Planning Officer confirmed that the school had not been directly notified, but the appropriate notices had been put up. Although the Committee had been advised that the school children would not be allowed off the school premises during the day, this was a matter of school policy. There was a condition 5 which restricted the nature of the food and condition 5 covered the nature of the food served, if the premises was found to be using deep fat fryers to serve chips, they would be in breach of that condition. The Principal Planning Officer advised that the kitchen area did not have a lot of kitchen area and it was not feasible to operate a hot food takeaway.

Councillor Jewell referred to the situation with an ice cream van operating from the car park with its engine running and concluded that the proposal

was a lot healthier and safer. The objections were based on assumptions that there was going to be an unhealthy element to the kiosk and he was in favour of the proposal over the current operation.

Councillor Chaplow agreed that this would be a positive addition and advised that if a person wanted a hot meal, there were cafes in the area. This was an application for children to have snacks and drinks on the way home from school.

Councillor Blakey concluded that this was more of a sandwich shop and she was satisfied that the conditions attached would keep it that way.

Councillor Blakey moved the recommendation to approve as per the conditions outlined in the report, seconded by Councillor Atkinson.

The Planning Development Solicitor asked the Principal Planning Officer whether he accepted that the separation distance was 20m or 11m and whether it made a difference either way to the recommendation. The Principal Planning Officer confirmed that in the event that the distance was less than 20m, the property was separated by a close boarded fence and mature screening and therefore he was satisfied that this would not result in loss of amenity and justify refusal.

**Resolved:**

That the application be APPROVED subject to the conditions outlined in the report.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION No:	DM/21/00198/FPA
FULL APPLICATION DESCRIPTION:	Retention and use of existing outbuildings and land for the non-commercial breeding and keeping of dogs
NAME OF APPLICANT:	Mr and Mrs Wills
ADDRESS:	Land East of Home Farm, Sedgfield TS21 2EJ
ELECTORAL DIVISION:	Sedgfield
CASE OFFICER:	Hilary Sperring, Planning Officer, 03000 263947, <a href="mailto:hilary.sperring@durham.gov.uk">hilary.sperring@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application relates to a small (0.1 hectare) roughly rectangular parcel of land to the south west of Sedgfield that adjoins a larger field in the ownership of the applicant.
2. Access to the site is taken from a track to the south off Racecourse Road (C38) that passes through two sets of gates. To the north the site is bordered by the A689 dual carriageway (at a lower level), with residential properties in Sedgfield beyond in Queens Drive, Claremount Grove and Station Road.
3. The site boundary is demarked in part by post and rail fence, hedge and trees, with (an element of crash barrier close to the entrance). The site itself is of relatively level topography, although the access slopes into the site from the main road.
4. The boundary of the Hardwick Park Conservation Area lies to the north of Station Road, in excess of 120 metres from the site.

#### The Proposal

5. The application is retrospective in nature and a single storey concrete sectional building, with pitched roof, is in place close to the eastern boundary. This has a linear form and is orientated north south facing into the site (approximate dimensions 21.8 metres by 3.5 metres and 2.5 metres in height to the ridge) The building has a concrete base and is finished in pebbledash, with white uPVC windows.
6. The building has been subdivided internally to provide 2 areas of kennelling, separated by a central feeding preparation point. 9 individual kennels are provided in one area and 5 in the other.

7. A timber shed, with corrugated roof, (approximately 2.5 metres by 3.6 metres, and 2.1 metres in height) and a former railway carriage (approximately 2.5 metres by 5.8 metres and 2.35 metres in height) are located to the north of this building and are being used for storage (sawdust bedding etc).
8. Areas of hardstanding are positioned to the west and south of the existing buildings and a roughly triangular shaped grassed field to the west is used to exercise the dogs. A generator is positioned adjacent to the kennels building.
9. The application is being reported to the Planning Committee at the request of Sedgefield Town Council which, having noted concerns expressed by those who have submitted objections, predominantly relating to noise disturbance consider this the best way to ensure the views of all parties are heard.

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## **PLANNING HISTORY**

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10. There is no history of any formal planning applications relating to the site. It is however understood that the site has in the past included stables and associated storage buildings that were used for personal recreational purposes, some of which remain in situ.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

14. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
18. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
20. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
21. *NPPF Part 16 Conserving and Enhancing the Historic Environment* – Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

22. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air design process and tools; determining a planning application; amenity; healthy and safe communities; historic environment; land affected by contamination, land stability, natural environment; noise; public rights of way and local green space; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

#### **LOCAL PLAN POLICY:**

##### The County Durham Plan (CDP)

23. *Policy 10 Development in the Countryside* – states that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposals relates to stated exceptions.
24. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
25. *Policy 29 Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
26. *Policy 31 Amenity and Pollution* - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
27. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
28. *Policy 35 Water Management* - states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
29. *Policy 39 Landscape* - states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.

30. *Policy 40 Trees, Woodlands and Hedges* - states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
31. *Policy 44 Historic Environment* – seeks to ensure that development should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/ levels of public benefit which must apply in those instances.

### **The Sedgefield Neighbourhood Plan**

32. The application site falls within the geographical scope of the Sedgefield Neighbourhood Plan. This plan received support through a referendum on 12 September 2019 and now has development plan status. Therefore, the following Neighbourhood Plan policies would be considered relevant:
  33. G1b - Development outside the Built-up Area Boundary
  34. E1 - Visual and Spatial Impact

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

35. *Sedgefield Town Council* – Noting concerns expressed by those who have submitted objections, predominantly in material planning terms, relating to noise disturbance.
36. *Highway Authority* – No objections

### **INTERNAL CONSULTEE RESPONSES:**

37. *Animal Health Inspector* – Advising that one enquiry relating to the site was received in late 2019, relating to some dome kennels on the land and concerns that dog breeding might take place. This was investigated and not considered to be the case. There are no other recorded visits or complaints relating to the sale of dogs from the site.
38. *Design and Conservation* – Not considered to be any adverse impact on designated heritage assets
39. *Environmental Health (Contaminated Land)* - No adverse comments to make. There is no requirement for a contaminated land condition.
40. *Environmental Health (Noise)* – Following the submission of a Noise Assessment and with the application of conditions, satisfied that the development is unlikely to cause a statutory nuisance.
41. *Landscape* – No objection

## **PUBLIC RESPONSES:**

42. The application has been advertised by way of neighbour notification letters to nearby properties and a site notice has also been displayed. 43 representations have been received raising numerous objections (with 16 of these received from outside of the immediate area of the application site including some from locations throughout the country). The objections refer to: –
43. The potential for noise pollution both for basic expectations of residential amenity and impacts on local businesses, from the animals, vehicle movements and the use of a generator. The problem is likely to be worse in the evenings and winter months, without tree cover, with the existing fencing providing no mitigation in this respect. Full noise impact surveys are requested.
44. Issues of smell and odour including the management of waste, with burning of animal waste a further concern particularly in summer months.
45. Flood-risk and drainage issues particularly from contaminated water.
46. The size of operation and suitability of the buildings and site for this purpose is questioned, with insufficient exercise space for the dogs and animal welfare and detailed management of the operation raised with reference to the Animal Welfare Act 2006. No details on the number of animals, breeding intentions and sales are provided and there is a concern the dogs may escape towards the nearby dual A689 carriageway. The potential for the operation to generate a need for a permanent residence is raised with the physical relationship of the applicant to the site unknown.
47. The site is prominent with the design and appearance of the buildings not high quality. Entrance to the site is on a bend of a national speed limited road with no signage, and safety concerns for the access and egress. Maintenance of the access as a public highway and the Council's responsibilities for this is queried with the storage of oil must be in compliance with relevant legislation and the potential risk for theft and vandalism from the site is an issue.
48. There is no mention in the application as to whether the owner of the site has declared a pecuniary interest with regards to the land in accordance with the Sedgefield Councillors Code of Conduct and Standards
49. The use is already taking place in disregard of planning regulations.
50. Initial consultation on the application was inadequate
51. Some correspondents claim a likely negative effect on house prices in the area.

## **APPLICANTS STATEMENT:**

52. For a great many years, this site has been used for the keeping of domestic livestock as pets. Initially it was used for the keeping of the owners family horses/ponies and then for the rearing of chickens and rabbits. At all times the use has been small scale and non-intrusive with minimal impact upon residents, the closest of which live more than 90m from the site, on the other side of the busy A689 dual carriageway around the town. The landowners family have grown up and the site is no longer needed for their own livestock and accordingly they offered it to a local farrier and family friend who rears greyhounds for his own personal enjoyment. It's a simple and

straightforward hobby, not an intensive commercial operation. The small number of dogs are well looked after and the site has been visited by animal welfare officers who have found nothing wrong with the conditions on site.

53. The dogs are healthy and well looked after although this has not prevented some fantasy reporting in the local press. None of the reports seemed to be based upon any actual understanding of conditions on site and no visits were made.
54. The site is virtually invisible from any public vantage point and the detailed noise report confirms that no noise nuisance is caused by the current operations. Conditions can be imposed to limit the maximum number of dogs, recognising that the permission runs with the land, not the person.
55. The applicants have co-operated fully with officers of the Council and have demonstrated that there are no technical issues with the application at all. It is not understood why a minor application of this nature relating to such a small scale proposal, with such miniscule impacts needs to be considered at such a high level, clogging up the agenda and preventing the proper consideration of major proposals that affect the strategic direction and investment in the County. You will appreciate it was never the applicants wish that members valuable time should be taken up with this small matter. We hope that members will appreciate that this scheme has no technical objections and is compliant with the policy framework nationally and locally. We urge you to support it without further delay.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
57. The Local Plan was adopted in 2020 and is up to date. Consequently, consideration of the development should be led by the plan if the decision is to be defensible. The site also falls within the geographical scope of the Sedgfield Neighbourhood Plan that has development plan status.
58. Paragraph 11c of the National Planning Policy Framework requires applications for development proposals that accord with an up to date development plan to be approved without delay.
59. The main considerations in regard to this application are considered to be the principle of the use in this location, the impacts upon amenity, landscape/visual impact, access and highway safety, flooding and drainage, land stability and other matters raised.

The Principle of the Development:

60. The site is positioned outside the built-up area of Sedgefield within a countryside location.
61. Policy 10 of the County Durham Plan relates to development within the Countryside and states that all development in the countryside must accord with all other relevant development plan policies and by virtue of their siting, scale, design and operation must not:
- l. give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
  - m. result in the merging or coalescence of neighbouring settlements;
  - n. contribute to ribbon development;
  - o. impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for;
  - p. be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport;
  - q. be prejudicial to highway, water or railway safety; and
  - r. impact adversely upon residential or general amenity.
  - s. minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding; and
  - t. where applicable, maximise the effective use of previously developed (brownfield) land providing it is not of high environmental value.
62. Policy G1b of the Sedgefield Neighbourhood Plan relates to development outside the built-up area boundary. It advises that development will be supported where it meets national and local policy requirements advising and that certain relatively small-scale developments that protects the character of the countryside will be permitted. Other development, which can justify a rural location including agricultural workers, farm diversification, recreation and tourism development may also be allowed. All proposals must be in scale and keeping with the form and character of the neighbourhood area and local landscape.
63. Accordingly, the principle of development could accord with the County Durham Plan and the National Planning Policy Framework and be regarded as acceptable subject to detailed consideration of the issues below.

Amenity:

64. Paragraph 170 of part 15 of the National Planning Policy Framework requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
65. Paragraph 180 goes on to advise that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;

66. Policy 29 of the County Durham Plan seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
67. In addition, policy 31 of the County Durham Plan states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
68. A large number of objections relate to the suitability of the site and building for their purpose in view of its proximity to the local community. These highlight issues of noise and disturbance, from the dogs during the day and at night and from the generator and general comings and goings. This is considered to negatively impact upon residential amenity, resulting in disturbance, loss of sleep, fatigue, upset and anxiety.
69. The Environmental Health Officer (EHO)(Noise) initially advised that the development would be noise generating as by their nature dogs bark, and the sound can have particular characteristics that can travel significant distances causing annoyance and statutory nuisance. This can be worsened when the kennels are unmanned.
70. A document entitled 'Noise Management Plan' had initially been submitted with the application which the EHO considered to be more of a review and statement from the authors that the development would be at a low impact 'No Observed Effect Level'. Having considered the information initially submitted and notwithstanding the separation distances to the nearest dwellings across 4 lanes of the A689 at this point he was of the opinion that the development could potentially result in a statutory nuisance being created, with the noise from the vocalisation of the dogs likely to give rise to a statutory nuisance, particularly at night.
71. The applicant was therefore requested to submit a detailed noise impact assessment of the likely affects.
72. Following the submission of this document the EHO has stated that he is in agreement with the approach and methodology taken by the consultants and the report conclusions that the development would not have a negative impact upon sensitive receptors and that no further mitigation is required.
73. He also advised that there is no record of previous complaints on the EHO database in relation to noise from this development which is retrospective in nature. However, he notes that a recent complaint has been made about the generator which is under investigation and that members of the public have objected to the current application.

74. Taking the above into consideration he has no objection to the development, however as noise from dog barking can be difficult to quantify and in the interest of protecting amenity going forward, he recommends that the following conditions are applied to any planning approval
- There should be no more than 14 dogs held within the kennels in total at any time.
  - All dogs shall be held within their kennels between 2300hrs and 0700hrs on any 24-hour day.
  - The structure of the kennels should be maintained in perpetuity in order to provide the levels of attenuation described within the Noise Impact Assessment.
  - The use of the generator is restricted to daytime hours of operation, that is the generator is not to be used between the hours of 2300 to 0700hrs on any day, unless in the interest of animal husbandry.
  - That an acoustic screen is erected adjacent to the generator preventing line of sight with the Noise Sensitive Receptors.
75. Based on the information submitted with the application and subject to the above conditions, the EHO is satisfied that the development is unlikely to cause a statutory nuisance.
76. It is appreciated that these comments relate to statutory nuisance. However, having considered the nature, scale and location of the development relative to the nearest residential properties which are suitably separated, screened and orientated in relation to the site it is not believed that the development would inherently give rise to significant adverse amenity impacts. Notwithstanding the representations received it is not considered that the use and operations give rise to such conditions of excessive noise and disturbance to sustain a refusal.
77. As regards the concerns about smell and the management of waste and burning of material on site that have been raised supporting information advises that all waste bedding is composted with the material being spread on the adjacent grassland at an appropriate seasonal point. Dog faeces are kept in a secure flyproof container on the site and disposed of via a waste contract.
78. It is recommended that in the event of an approval suitable conditions are attached in respect to the management of waste and to prevent the burning of materials and waste.
79. Although it is not known how far away from the site the user lives, supporting information suggests that he spends a significant portion of his day there (although not in any residential capacity). There is no set routine to activity at the site as this depends very much on the number of dogs being kept at any one time, their age, condition, training needs etc.
80. Taking into account the above, and subject to condition, the proposals are considered to satisfy the provisions of Parts 12 and 15 of the National Planning Policy Framework and policies 10, 29 and 31 of the County Durham Plan.

#### Animal Welfare:

81. A number of the objections have highlighted breeding and welfare issues relating to the dogs, under the Animal Welfare Act 2006. Representations also query the

information submitted with the proposals in terms of number of dogs on the site and sale of dogs. It is also stated that although the application is for non-commercial breeding and keeping of dogs the dogs are being bred and trained for the purposes of racing and presumably financial gain.

82. Supporting information with the application indicates that a limited amount of breeding takes place with there being only one litter born on the site. It is advised that the puppies with the most potential from any new litters are retained by the applicant with the balance of the litter sold to good homes, in the same manner as domestic litters. There is no intention therefore to breed commercially, other than to maintain the applicants own pack of competitive racing dogs. Whilst it is acknowledged that the operation is more extensive than a household with a one or two dogs, it is nevertheless has the characteristics of a hobby and not a commercial operation or bespoke puppy farm. In terms of scale, the existing buildings provide sufficient space for a maximum of 14 adult dogs to be kept on the site. The user either keeping or rehoming his greyhounds when they have reached the end of their competitive periods.
83. The Animal Health Inspector has been consulted and advises that according to their system they received one enquiry relating to the site in late 2019. The information received was from a concerned neighbour who had noticed that some dome shaped kennels had been erected on the land and they were concerned that dog breeding might take place. This was investigated and not considered to be the case. There are no other visits recorded as taking place and there are no complaints relating to the sale of dogs from the site.
84. Issues and matters relating specifically to animal welfare are ultimately subject to separate legislative control and as such are not reasons to sustain refusal of the application in planning terms.

#### Visual/Landscape Impact:

85. Parts 12, 15 and 16 of the National Planning Policy Framework support high quality design, protection of the natural environment and valued landscapes and conservation or enhancement of heritage assets.
86. County Durham Plan policy 29 (Sustainable Design) seeks to ensure that all development proposals will achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.
87. Policy 39 of the County Durham Plan indicates that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Whilst policy 44 advises that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting.
88. In addition, Policy E1 (Visual and Spatial Impact) of the Sedgefield Neighbourhood Plan advises that development should enhance the visual and spatial characteristics of Sedgefield. In particular development should respect significant views of designated and non designated heritage assets. This is also reaffirmed within Sedgefield Neighbourhood Plan policy E4 which relates to Listed Buildings,

Scheduled Monuments and Heritage Assets. Proposals affecting designated and non designated heritage assets will be considered in relations to the NPPF, which seeks to protect them, subject to criteria.

89. Concerns have been raised with regard to the visibility and poor design of the buildings, when seen from the main roads into Sedgfield. Whilst it is acknowledged that there have been various small structures on the site over the years it is considered that the newly erected buildings cannot be considered high quality design.
90. The Design and Conservation Officer has provided comments noting the application site is located approximately 120m to the south of the Hardwick Park Conservation Area. Given the scale of the proposal and the distance involved there is not considered to be any adverse impact on setting. For similar reasons there is also no adverse impact on the grade II listed Sands Hall that lies approximately 500 metres to the west
91. Landscape Officers advise that the site does not lie in an area covered by any national or local landscape designations. Due to topography and existing vegetation, it is not considered that the site is significantly visible, being screened or heavily filtered (especially during summer months) from public viewpoints. As such there is no objection or conflict with landscape related policies.
92. It is understood that the shed and railway building have been on site for some time. Whilst it is acknowledged that the kennel building is somewhat functional in appearance, given its single storey nature and position within the site and the presence of some boundary screening it is considered that the development is generally well contained and not particularly intrusive in visual terms in accord with relevant parts of the National Planning Policy Framework, County Durham Plan and Sedgfield Neighbourhood Plan.

#### Highways:

93. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
94. Policy 10 of the CDP states that proposals should not be prejudicial to highway safety and paragraph 108 of the NPPF states that applications for development should ensure that safe and suitable access to the site can be achieved for all users.
95. Policy 21 of the CDP requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated.
96. The proposal has given rise to highway safety concerns from some objectors regarding access and egress to the site, on a bend of a national speed limited road, with no signage.
97. In commenting on the development, the Highways Officer has advised that access to the site is via an existing field access from C38 Racecourse Road carriageway linking to the remains of the former road. He considers that the current use (kennels) is similar to previous usage (stables) of the site with no residential provision and

considers the access to be acceptable for this purpose. The proposals would meet visibility standards and given the type of access would not normally be signed.

98. He also advises that the road up to the site enclosure remains adopted public highway albeit with public vehicular rights removed between the enclosure site to the north and the gate nearest to the C38 Racecourse Road to the south. (Although pedestrian rights remain up to the central gateway). Nevertheless, and from a safety perspective it is noted that the position of this gate allows a vehicle to be fully off the live carriageway before stopping at the gate.
99. He also notes that there are 2 parking spaces shown to be available within the site and on the basis of the above offers no objections from a highways perspective.
100. Given the continued low-level use of the site, available access and parking arrangements and comments from the Highways officer, the proposals are considered to satisfy the provisions of Part 9 of the NPPF and policy 21 of the CDP.

#### Flooding and Drainage:

101. Part 14 of the National Planning Policy Framework seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
102. Policy 35 of the County Durham Plan requires development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled.
103. The application site is not located within a high-risk flood zone 2 or 3 area, nor is the site located within a surface water flooding high risk area.
104. Surface water drainage is not altered as the buildings are existing. This is considered acceptable in terms of the above policy.
105. Despite concerns raised, the proposal is deemed to be satisfactory with respect to the management of surface water for the development with proposals considered to satisfy the principles of Part 14 of the NPPF and policy 35 of the NPPF.

#### Land stability:

106. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP stipulates that development will not be permitted unless the developer can demonstrate that:
  - a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;

- b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
- c. all investigations and risk assessments have been undertaken by an appropriately qualified person.

107. Contaminated land officers have assessed the application and have no adverse comments to make, advising there is no requirement for a contaminated land condition.
108. Subject to conditions, no objections are raised, with proposals to satisfy Part 15 of the National Planning Policy Framework and Policy 32 of the CDP.

Other Matters:

109. A number of additional comments have been raised about the development and its likely impacts:
110. As regards a possible future need for a permanent residence at the site to manage activities, it is advised that the current application relates only to the use of the kennels and there is no indication that this is intended. Separate planning permission would be required for any such proposals which raise different planning policy considerations.
111. Comments in respect of the possible storage of oil and proximity to wooden buildings relate to site management practices and would be matters for other legislation.
112. The proximity of the proposals to the A689 there are possible safety issues should the dogs escape are appreciated. However, the possibility of this occurring is considered slight with appropriate management of the animals and this is not considered to be reason to withhold the grant of planning permission. Similarly, a refusal could not be sustained on the grounds of possible vandalism, theft or on the grounds of effects upon house prices which are not material to any planning decision.
113. The ownership of the land linking the site to the carriageway has also been raised along with safety concerns regarding the duty of care to maintain this driveway and the access/ driveway maintained at public expense. Part of the access road to the site is within the ownership of the Council. The appropriate certificate of ownership has been completed to accompany the application with the agent advising notice served on the Council as land-owner. Issues of land ownership and maintenance are separate issues outside the planning application.
114. Issues relating to pecuniary interest with regards to the land in accordance with the Sedgefield Councillors Code of Conduct and Standards are also separate matters to the planning application which is not being determined by Sedgefield Town Council or those with an interest in the site.
115. It is appreciated that the application is retrospective in nature having been brought to the attention of the Council. However a planning application has been made for consideration on its merits.
116. In addition, concerns have been raised in respect of the issue of pillars, gates and walls at the entrance to the site and that no reference has been made to them within

the application. The gates lie outside the application site and their position on land that is currently in the ownership of the County Council is a matter for the Council as landowner.

117. Following comments made in terms of the limited consultations undertaken in respect of the application. this was extended to include a further 27 letters. In addition, a site notice was displayed close to the entrance to the site. This is considered to accord with statutory requirements and a range of public responses to the proposal have been received.

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## **CONCLUSIONS**

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118. The application is to be determined in accordance with relevant policies set out within the County Durham Plan and the Sedgefield Neighbourhood Plan therefore the application falls to be determined in accordance with Paragraph 11c of the NPPF which requires applications which accord with an up to date development plans to be approved without delay.
119. The proposals relate to the use of existing buildings within a countryside location on the southern edge of Sedgefield for the non-commercial kennelling of dogs.
120. It is acknowledged that the development has given rise to objections and concerns from the local area and from further afield about a range of matters. However, these are not considered to outweigh the presumption in favour of the development arising from the planning assessment of the issues and the response of consultees.
121. The issues of noise and disturbance and odour and the impacts on residential amenity has been carefully considered and subject to conditions to ensure that on site activities are appropriately managed it is considered that the amenities of nearby occupiers would not be so significantly and detrimentally impacted upon as to warrant refusal. Given the location, low level nature and orientation of buildings and associated landscaping the proposals are also considered acceptable in visual terms. Nor do they give rise to any heritage, flood risk and drainage, land stability or parking, access and highways safety concerns.
122. The proposals are therefore considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework and in particular policies 10, 21, 29, 31, 32, 35, 39, 40 and 44 of the County Durham Plan and Sedgefield Neighbourhood Plan. The application is recommended for approval subject to the following conditions.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drawing Number P100 Rev A Existing and Proposed Layout  
Noise Impact Assessment by Professional Consult. Reference: 20.187.2.R1 Issue  
Date: 30 April 2021

*Reason: To define the consent and ensure that a satisfactory form of development is obtained, in accordance with Policies 10, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

2. There should be no more than 14 adult dogs, an adult being 2 years and above, held within the kennels in total at any time.

All dogs shall be held within their kennels between 2300hrs and 0700hrs on any 24 hour day.

The structure of the kennels should be maintained in perpetuity in order to provide the levels of attenuation described within the Noise Impact Assessment, reference 20.187.2.R1 dated 30 April 2021 and produced by Professional Consult.

*Reason: In the interests of the amenities of neighbouring occupiers and to comply with Policies 10 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

3. All animal waste generated by the kennels hereby approved shall be stored in a suitable closed waste receptacle at all times and then shall be removed from site by a waste carrier.

*Reason: In the interests of the amenities of neighbouring occupiers and to comply with Policies 10 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

4. There shall be no burning of animal bedding or waste at the site.

*Reason: In the interests of the amenities of neighbouring occupiers and to comply with Policies 10 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

5. The kennels hereby approved shall be used in connection with the keeping of dogs for personal/hobby use only and not for, or in conjunction with, any commercial operation or business and there shall be no sales to visiting member of the public.

*Reason: In the interests of residential amenity and highways safety, in accordance with Policies 10, 21, 29 and 31 of the County Durham Plan*

6. The use of the generator is restricted to daytime hours of operation, that is the generator is not to be used between the hours of 2300 to 0700hrs on any day, unless in the interest of animal husbandry.

*Reason: In the interests of the amenities of neighbouring occupiers and to comply with Policies 10 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. Within 3 months details of an acoustic screen for the generator and its position shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter be erected and retained at all times whilst the generator is in place and in use.

*Reason: In the interests of the amenities of neighbouring occupiers and to comply with Policies 10 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

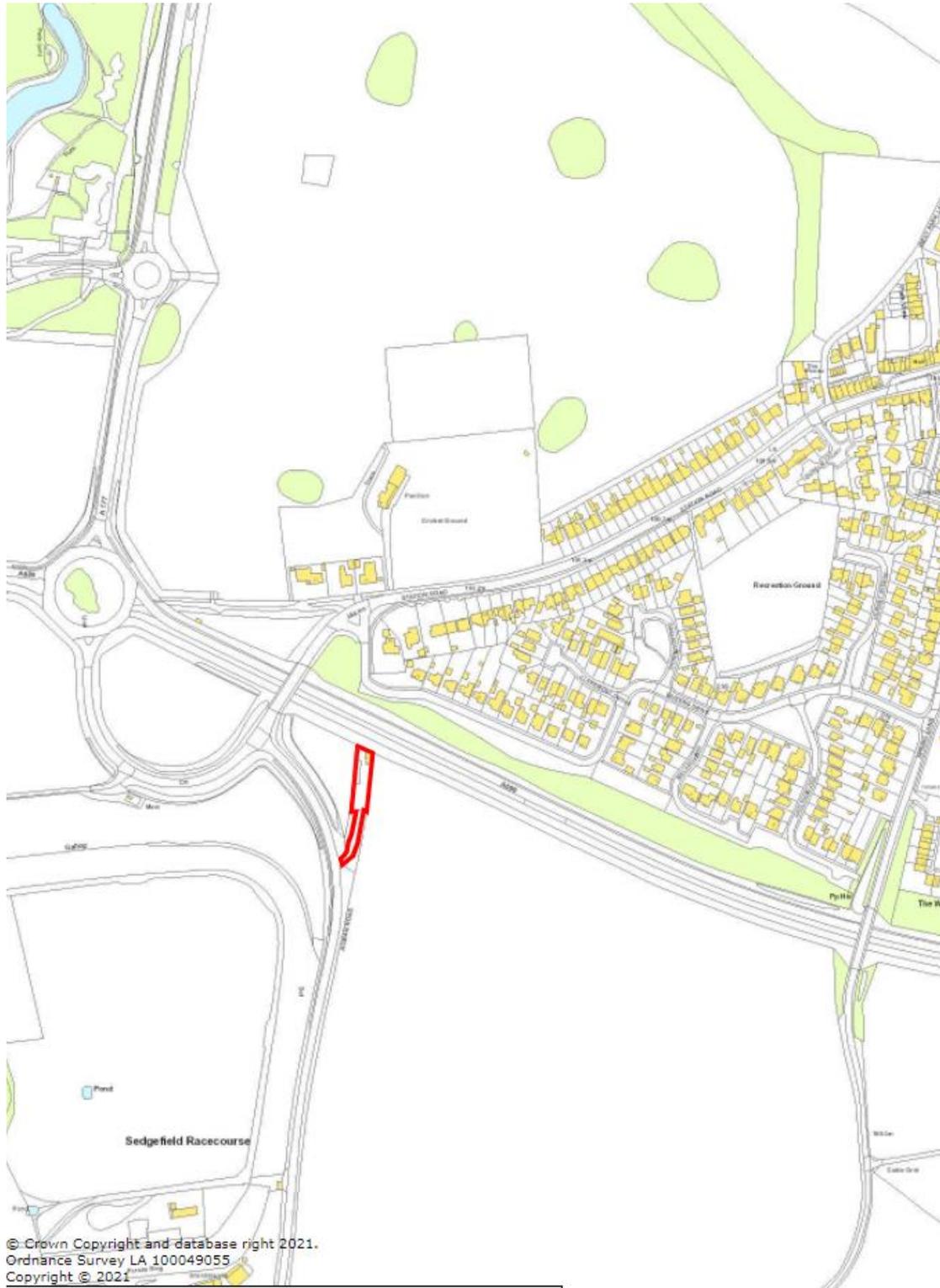
The County Durham Plan

Sedgefield Neighbourhood Plan

Statutory consultation responses

Internal consultation responses

External consultation responses



<p><b>Planning Services</b></p>	<p>DM/21/00198/FPA</p> <p>Land East Of Home Farm, Sedgefield TS21 2EJ</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	<p><b>Date</b> June 2021</p>

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/21/01319/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	External alterations including amendment to fenestrations and new plant to facilitate change to a job centre.
<b>NAME OF APPLICANT:</b>	Department of Work and Pensions
<b>ADDRESS:</b>	8, 9 And 10 Newgate Centre, Bishop Auckland DL14 7JQ
<b>ELECTORAL DIVISION:</b>	Bishop Auckland Town
<b>CASE OFFICER:</b>	Susan Hyde, Planning Officer, 03000 263961, <a href="mailto:susan.hyde@durham.gov.uk">susan.hyde@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to Unit 8, 9 and 10 of the Newgate Shopping Centre, located to the west of Newgate Street within Bishop Auckland Town Centre. This unit lies adjacent to Finkle Street and is surrounded by a range of town centre uses and located just outside of the Bishop Auckland Conservation Area.
2. The Newgate Shopping Centre is a modern brick-built shopping centre of generic design dating from the 1980's. The building is orientated so that its front elevation faces west towards Bishop Auckland Bus Station and the public transport links it provides. The main entrances into the shopping centre are on this west elevation and the east elevation which provides pedestrian access from Newgate Street and there is a further pedestrian access to the north of the site that links to Fore Bondgate.
3. The application involves external alterations to two ground floor units, 9 and 10 and first floor unit 8. The alterations relate to additional and amended windows details and doors at ground floor and first floor level on the west and north elevations including a staff entrance and provision of external plant on the north elevation. This proposal would lead to the loss of the existing pedestrian access on the north elevation and pedestrians that currently use this link would need to walk approximately 60 metres round the building to access the (front) west entrance as the nearest alternative.
4. The change of use of units 8, 9 and 10 from retail use to a Health Assessment and Job Centre for the Department of Work and Pensions (DWP) is a permitted change within The Town and County Planning (Use Classes) Order 1987 (as amended) and therefore does not require planning permission or form part of this planning application. The submitted application relates only to the external alterations of the building and associated plant.

5. The application is being reported to the Planning Committee at the request of (former) Councillor Joy Allen and Councillor Sam Zair because of concerns relating to the loss of the pedestrian link from Fore Bondgate that has been in operation since 1982 and the potentially detrimental effect on footfall to / from the Bondgate Centre and Fore Bondgate with the associated potential impact on jobs and businesses.

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## **PLANNING HISTORY**

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6. In 2020 planning permission was granted for the change of use of the retail unit 12 (that historically was Argos) to a cinema (DM/20/03086/FPA). This consent has not been implemented.
7. In 2014 planning permission was granted for the erection and display of internally illuminated and non illuminated signage around and on elevations of the centre including car park facing the bus station (DM/14/02546/AD)
8. Planning permission for the Newgate Centre was originally granted in 1980 (reference 3/80/836/DL) subject to conditions. (although it is noted that none of the conditions referred to the ongoing access arrangements at the Centre including any requirements regarding the retention of the pedestrian access on the north elevation).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity,*

*building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.*

13. *NPPF Part 7 Ensuring the vitality of town centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air design process and tools; determining a planning application; flood risk; healthy and safe communities; historic environment; housing supply and delivery; land affected

by contamination, land stability, natural environment; noise; public rights of way and local green space; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## LOCAL PLAN POLICY:

The County Durham Plan (CDP)

21. *Policy 9 – Retail Hierarchy and Town Centre Development.* This policy seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
22. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
23. *Policy 29 Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
24. *Policy 31 Amenity and Pollution* - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. *Policy 44 Historic Environment* - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

26. *Bishop Auckland Town Council* – Object to the proposals as they consider the closure of the pedestrian link will detrimentally impact on Fore Bondgate as well as future investment in the town. The Town Council recognise that investment is needed in the Newgate Centre and the town as a whole, to reduce the number of vacant units but consider that using one of the many vacant retail units on the main shopping thoroughfares throughout Bishop Auckland would be more appropriate. Using such a prominent retail space and cutting off access to the historic Fore Bondgate shops, for use as a Job Centre, does not provide a good fit with the aspirations of the County Council Bishop Auckland Masterplan or the Town Council Plan.
27. It is felt that the current Job Centre, in Vinovium House is ideally located for all members of the community as it is close to good public transport networks and offers a degree of confidentiality to the service users. Moving the Job Centre to the

proposed site in the Newgate Centre not only reduces the access for pedestrians to Fore Bondgate, it reduces the accessibility to the whole Newgate Shopping centre by removing the disabled car parking spaces located in the area of the proposed closure. Additionally, moving to a more central location may negatively affect the service users needing access to the Job Centre.

28. Members are strongly opposed to the planned external alterations as they feel this would create many detrimental barriers for residents and visitors to Bishop Auckland, particularly disabled persons, as they access the centre via the pedestrian access and the Fore Bondgate shops from the disabled parking bays, in Finkle Street.
29. The Town Council is supportive of the partnership work in Bishop Auckland and welcomed the success of the Future High Streets Fund Bid, however they are greatly concerned that this proposal may negatively impact upon the Stronger Towns funding bid which looks to further revitalise the town.
30. They also note that the proposed relocation of the job centre will not bring additional jobs into Bishop Auckland as these jobs are already located in the current DWP facility in the Town Centre. The Town Council urge cooperative working to find an alternative location for the use to protect the pedestrian access and the retail element within the Newgate Centre.
31. *Local Highway Authority (LHA)* – The Council's Spatial Policy Team, it's Bishop Auckland Town Centre Regeneration Programme Manager, and Bishop Auckland Town Council, have each advanced comments against the proposal, including reference to the proposed removal of the historical public access to the Centre at the Finkle Street elevation. The LHA share these latter views. It is noted that the Centre has prominently direction signed the Centre to pedestrians from Fore Bondgate, down the path leading to the Finkle Street Centre entrance. DCC has aspirations to improve north-south links to the Centre, which, as the aforementioned commentators to the application have outlined, the proposals would serve to undermine.
32. The applicant's agent, and the agent for the Centre, have indicated, inter alia, that they do not wish to retain a public pedestrian entrance to the Newgate Centre at the northern elevation (Finkle Street). The agents have pointed out that the new tenants will greatly increase footfall, including from those requiring medical assessments. It is noted that the closest at-grade disabled car park bays are in Finkle Street. In that context, but also acknowledging that a staff entrance is proposed at the Finkle Street elevation, pedestrians to and from Fore Bondgate will walk in increased numbers along Finkle Street to the Centre, and application site public entrance, at George Street elevation. Accordingly, the Finkle Street pedestrian footway (south side), linking west from the position of the existing Centre pedestrian entrance, will be required to have direct connectivity to the George Street public footway (via dropped kerbs at the Newgate Centre car park entrance, removal of raised block paving at car park entrance and replacement with footway construction, and relocation of street light no. 4438). These works to be secured by condition.
33. Section 153 of the Highways Act 1980 requires that doors, gates and windows do not open outwards over the public highway. This is relevant in particular regarding the Finkle Street footway. It is questioned whether existing doors at ground floor level, as depicted, do currently open outwards however any doors not mandatorily required, and identified solely as, Fire Exit doors (ie service and staff entrances) must be shown opening inwards only, not outwards over the public footway.
34. The public footway on the George Street elevation would be required to be 'stopped up', ie have public highway rights legally extinguished, under s.247 of the T & CP Act

1990. On the basis that part of the public highway at the northern elevation (at the entrance to the centre), is also proposed to be enclosed (walled across), the s.247 application would also be required to include this area. The applicant should note that this s.247 method of extinguishing public highway rights as part of development is ordinarily only possible prior to development taking place.

35. Full details of the proposed entrance ramp at George Street elevation must be conditioned in order to ensure it does not prejudice the George Street public footway unaffected by the s.247 procedure.

#### **INTERNAL CONSULTEE RESPONSES:**

36. *Design and Conservation* – The application site lies slightly outside the boundary of the conservation area and by virtue of its scale, massing, design and materials already has an adverse impact on the setting of one of the most historically significant sections of the conservation area. The proposed alterations will not change this arrangement and therefore this element of the proposal is likely to have a neutral impact.
37. The closure of the pedestrian link between Fore Bondgate and the Newgate Centre is likely to have a hugely detrimental impact on footfall to the area which has taken many years to improve and build an identity and quantum of businesses and services which makes it what it is today. Removing this link is the very reverse of the regeneration initiatives for the area which promote improved linkages. Anything which places businesses at risk or in due course increases vacancy rates will be harmful to the character, appearance and significance of the conservation area and is strongly opposed.
38. *Environmental Health (nuisance)* – Advise that the 'Plant Noise Assessment Report' report demonstrate that noise from the operation of the plant is unlikely to have an impact on the nearest sensitive receptor. subject to this being installed in accordance with the details indicated including recommendations in respect to vibrations controls. In addition, conditions are required that restrict the use of the plant so no plant should operate between 2100 – 0700 on any day and so the noise level between 07.00 – 21.00 does not exceed 42dBA.. Subject to the above conditions the development should not cause a statutory nuisance.
39. *Heritage Action Zone* - No response received
40. *Spatial Policy* – The site is located in Bishop Auckland Town Centre which identified as a Sub Regional Centre in the CDP, this reflects its importance in serving a wide catchment within South Durham. Policy 9 states that support will be given to new town centre development that will improve choice and bring about regeneration and environmental improvements. In this case the site is located within the defined Primary Shopping Area. Policy 9 seeks to support other uses outside of retail uses where they preserve the vitality and viability of the Primary Shopping Area. Whilst it is recognised that recent changes to the use class order now classifies a Job Centre under Use Class E(c), and therefore there is now no requirement for a change of use application, the need to preserve the vitality and viability of this area remains.
41. The supporting text to Policy 9 recognises that a masterplan for Bishop Auckland town centre has been developed that seeks to build on recent investment in the town. Alongside this, the plan seeks to support proposals that will deliver the aims of the masterplan, increase footfall within the town centre and improve its vitality and viability.

42. Considering all the above, it is noted that the proposals will see the closure of the existing pedestrian access at the north of the site, replaced with a staff entrance. This existing access point provides a link from Fore Bondgate to the Newgate Centre and its removal could undermine the ability of pedestrians to easily navigate their way around this area of the town centre, potentially impacting on the vitality and viability.
43. *Acting Programme Manager on the Council's Bishop Auckland Town Centre Regeneration* – raises concern that a funding bid for Bishop Auckland from the Future High Street Fund for nearly £2 million has been successful and one of the key aims identified is to increase footfall into Bishop Auckland and the linger time within the town. The package seeking Government support also included proposals which form part of the masterplan for the town to improve the linkages between the access between the Newgate Centre at the Finkel Street entrance through to Fore Bondgate. This will encourage footfall from the street of independent shops on Fore Bondgate through to the Newgate Centre and vice-versa. However, the proposal contained within the planning application to close public access at this location and make it accessible for staff only effectively undermines the Council's proposal as established within the masterplan. It is believed that this will have a detrimental impact upon the aims and objectives of the Council's programme of improvements in the area and adversely impact upon local business and thus the vitality and viability of Bishop Auckland town centre
44. *Regeneration* – No response received.

#### **PUBLIC RESPONSES:**

45. The application has been advertised by way of neighbour notification letters site notice and a press notice. 5 letters of objection and 2 letters of support have been received.
46. In addition, an on-line petition has generated 694 signatures (as at 01.06.2021) objecting to the application on the following grounds:

*"We, the undersigned, are against the closure of the entrance of the Newgate Centre leading to Fore Bondgate. These plans, submitted by the Department for Work and Pensions (DWP) have the potential to detrimentally impact our local traders and businesses, one issue being the effect on the flow of people and accessibility to the area.*

*Bishop Auckland's high street and traders are already struggling, especially after the pandemic, and proposals such as this that may threaten our local traders and businesses should be thoroughly opposed. Many local businesses have already spoken out about the potential risks to their business and noted the footfall through the Newgate Centre's Fore Bondgate entrance does help attract potential customers to their stores. On this basis, it would be a blow to our retailers and traders to threaten this route and potentially jeopardise the trade our businesses require to keep our high street alive.*

*The DWP's move of the local JobCentre should be done in a way that protects local business and does not threaten our High Street, Potential Jobs, and Local Economy. We call upon the MP for Bishop Auckland and Durham County Council to reject these plans and help protect our local businesses."*

47. The 5 letters of objections have raised the following concerns:

- The proposed development would cut off a key thoroughfare which customers use regularly to access shops and restaurants to Fore Bondgate. This is in addition to the shop owners having to face disruption from being forced out of their units when it is made more difficult to access the street.
- There are also parking spaces next to the entrance that people use to access the shopping centre and are used regularly.
- The closure of the pedestrian link will hinder access to the disabled parking area.
- There are many other shops that are unoccupied in the town centre that the DWP could bring back to life instead of closing shops that are open and trading.
- There is a great deal of work being put in to renovating and regenerating our historic market town. Putting the jobcentre in the Newgate Centre will discourage tourism as tourists want shops, history, art and leisure facilities, not a jobcentre in a mall.
- A better use of the Newgate centre would be a cinema with a food court and perhaps a bowling alley/ laser quest
- The jobcentre could stay in Vinovium House or be built on cheap land away from the town centre. Perhaps on the land near Woodhouse close swimming baths

#### 48. Support

- The occupant of unit 10 has written in support of the application saying their charity shop business has been relocated in the Newgate Shopping Centre and consider that DWP being in the building will help increase footfall to the centre which will assist their business.
- The owners of the Shopping Centre have submitted a letter of support from a planning agent including the following key points.
- Bringing the Job Centre into the heart of the town centre will allow nearby traders to capitalise upon that footfall, generating additional expenditure in the town centre and helping secure its long-term viability.
- The proposal will involve a £3 million investment in Bishop Auckland town centre, providing modern fit-for-purpose facilities for its customers and 101 full time equivalent staff, which will be located at the site from day 1.
- Currently the DWP has a lease over Vivonium House, located west of the application site on the edge of the town centre which is not fit for purpose due to the service being delivered over multiple floors which is inefficient for operations and inconvenient for customers, especially those with health issues visiting the site.
- Medical assessments also form a significant proportion of the work undertaken at the Job Centre and it is important that these, and other services, are undertaken within a modern environment at ground floor level for ease of access. It is also crucial that the Health Assessment and Job Centre is located centrally with good access to public transport. The application site meets all of these criteria.
- With regard to the concerns raised about the closure of the northern pedestrian access to the Newgate Shopping Centre which connects to Fore Bondgate having a negative impact on the vitality and trading on Fore Bondgate and be contrary to the approved masterplan they make the following comments:

- Another main access to the Newgate Centre is located only 60m away and thus they do not consider that the removal of this access would substantially affect the levels of pedestrian footfall.
- While the proposals in the May 2019 Bishop Auckland Masterplan Report masterplan suggest that there should be an enhancement to the lane connecting the northern access of the Newgate Centre to Fore Bondgate, it is unclear what this would entail or how a substantive improvement could be made.
- As the affected access is into a privately owned and operated building, and is closed each day, there is no public right of way over this area. As such, and notwithstanding the terms of this application, the access could be closed at any time without the Council's permission.
- The natural pedestrian flow through the shopping centre is east – west and vice versa between Newgate Street and George Street entrances, as the Multi Storey Car Park sits on top of the centre, surface car parking outside B&M and the bus station outside the George Street entrance. Finkle Street is primarily a service road to the service yards /bin stores of the shopping centre and loading areas for shops fronting Newgate Street and Bondgate.
- The masterplan was produced without consultation of Estama, as manager of the Newgate Centre, or with DWP as far as we are aware who are a major employer in the area. This lack of consultation and stakeholder buy-in calls into question the validity and ultimate delivery of the masterplan proposals.
- The masterplan outlines the vision for a town centre '*which balances the needs of residents, businesses, visitors and investors*'. One of the main opportunities and facilities the masterplan report states it should provide are '*employment and training opportunities*.' The Job Centre will support this aim with the existing 101 staff positions and helping those who are looking for work to find employment in County Durham.
- The masterplan also states that it will address high vacancy rates. This development would reduce vacancy rates within the town centre which would add to its vitality, with the displaced shops being relocated to vacant units elsewhere in the Newgate Centre.
- The masterplan further notes that it will facilitate '*a rise in economic activity, benefitting local businesses*.' As noted above, the application will help to achieve this by bring the footfall associated with the Job Centre (9,360 visitors per month plus 101 existing staff employed at DWP)

#### **APPLICANTS STATEMENT:**

49. We provide the following comments in support of the application DM/21/01319/FPA. In addition, we would seek the opportunity to speak at Planning Committee in support of the application.
50. The Department of Work & Pensions (DWP) is on the leading edge in response to the economic impact of COVID-19, with unprecedented demand on the benefits system, with those in society with the greatest need for support accessing DWP services in very significant numbers. Alongside this urgent and significant increase in

demand, there is also a requirement to relocate from DWP's existing local site at Vinovium House. Vinovium House is not fit-for-purpose, situated over multiple floors and presents a particular issue for those with disabilities visiting the site for medical assessments.

51. A site search took place for suitable premises in Bishop Auckland which could meet both the existing and forecast increased demand. Units 8-10 at Newgate Shopping Centre was the only suitable site identified in Bishop Auckland which met the key requirements of being available, easily accessible by public transport, a suitable size (at least 12,000 sq ft) and capable of adaptation to provide level access. It was also in the correct use class (Class E) and therefore did not require a change of use application.
52. The proposed site provides better accessibility to disabled clients attending the site for medical assessments, thus offering an improved service to existing and future users of the site. Accessibility for all staff and customers is a key consideration for DWP with the distance required to travel to the site a business need when assessing sites. Further, the central location ensures that the public can easily access the site, as it is only a short walk from the bus station and main shopping streets and with a public car park attached to the shopping centre.
53. A Noise Report has been submitted in support of the application to demonstrate it will not impact neighbouring amenity. New jobs will be created for local people, whilst the significant monthly footfall from both staff and visitors to the Job Centre will benefit the town centre and local retailers, generating additional expenditure. DWP's occupation of Units 8-10 and the relocation of existing tenants to other vacant units will mean that the ground floor of the centre is 100% occupied. As the landlord's representation set out, DWP's move to the Newgate Shopping Centre will enable the realisation of wider investment into the Shopping Centre including a new cinema and land for the relocated bus station, which comprise significant indirect regeneration benefits in favour of granting permission.
54. The site lies outside of but adjacent to the Conservation Area. The works proposed have been designed sensitively to minimise their visual impact on existing amenity. The proposed works have been kept to a minimum but are necessary to support the internal use of the property as a Job Centre.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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55. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, residential amenity, impact on the street scene/visual impact and highways.

The principle of the development:

56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such

represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

57. The proposal would therefore need to be assessed for conformity with the CDP unless material considerations dictated otherwise. One such material consideration is the National Planning Policy Framework (NPPF).
58. Part 7 of the NPPF seeks to support the vitality of the town centres to: 'create the conditions in which businesses can invest, expand and adapt.' It goes on to say that 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
59. The site is located in Bishop Auckland Town Centre as defined by Policy 9 (Retail Hierarchy and Town Centre Development) of the CDP. Bishop Auckland is located at the top of the retail hierarchy, identified as a Sub Regional Centre, this reflects its importance in serving a wide catchment within South Durham. The policy states that support will be given to new town centre development that will improve choice and bring about regeneration and environmental improvements.
60. The unit is located within the Newgate Shopping Centre which is also within the defined Primary Shopping Area. Policy 9 seeks to support other uses outside of retail uses where they preserve the vitality and viability of the Primary Shopping Area. It is noted that recent changes to the use class order classify a Job Centre under Use Class E(c), and there is now no requirement for planning permission to move from A1 retail to job centre as they are within the same use class. Policy 9 does however continue to seek to ensure planning applications preserve the vitality and viability of this area.
61. Comments regarding the impact of the development on pedestrian access is considered below under the Access and Highways subheading. However, the agent for the application has clarified that Newgate Centre currently has a 22% vacancy rate and this proposal will lead to 2 existing units in 9 and 10 being relocated to existing vacant units within the centre (units 5 and 12). If DWP occupy the units 8, 9 and 10 as proposed there would be no ground floor vacancies within the Newgate Centre which would improve the vitality of the shopping centre. The letter of support from the asset manager of the Newgate Centre also states that 'financial investment by the DWP into the centre would allow wider investment objectives to be realised. This includes planned investment in a new cinema in the centre and making land available for the relocated bus station.' Such investment would assist in the vitality of the town.
62. The change of use of existing units within the application site to a Job Centre does not require planning permission and this application only relates to the proposed external alterations on the commercial units in association with the proposed move and intended reconfiguration of the space. Accordingly, the principle of the development in terms of the use of the floorspace is considered to be established and in accord with the County Durham Plan and the NPPF subject to detailed consideration of the detailed matters raised below.

Impact on the street scene/ Visual impact

63. Part 12 of the NPPF seeks high quality design, with paragraph 30 stating 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents' CDP policy 29 (Sustainable Design) seeks to ensure that all development proposals will achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.
64. The application relates to external alterations on the north and west elevation of the Newgate Centre, that was constructed in the 1980's and is located beyond the boundary of the conservation area. The County Conservation Officer has noted that the shopping centre, by virtue of its scale, massing, design and materials already has an adverse impact on the setting of one of the most historically significant sections of Bishop Auckland Conservation Area. The proposed alterations to the building include changes to the ground floor doors and windows and addition of new windows at first floor level. New air conditioning units, and electronic switch units on the rear elevation are also proposed to be relocated to the rear of an extended 2 metre high boundary wall. Pedestrian access on the northern elevation (Finkle Street) from Fore Bondgate would be altered to form a staff entrance only.
65. In terms of the impact of the external alterations on the appearance and integrity of the Centre it is considered that there would be a neutral impact as the building currently has limited architectural merit. The design of the windows would retain a vertical emphasis and replicate other windows in the complex so visually the amendments appear architecturally coherent on the Newgate Centre. The additional external plant proposed on the north elevation and 2 metre high boundary wall would shield these units from view. The Conservation Officer has confirmed that the physical alterations to the fenestrations would not adversely impact on the setting of the conservation area in accordance with Policy 44 and the changes are not considered to detrimentally affect the street scene generally in accordance with Policy 29 of the CDP and Part 12 of the NPPF
66. Subject to conditions requiring the further agreement of precise detailing the impact of the alterations on the host building and the street scene is therefore considered to be acceptable.

#### Access and Highway Implications

67. NPPF Part 9 seeks to ensure that development is only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
68. Policy 21 of the CDP seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

69. Policy 29 (Sustainable Design) also places great importance on safe sustainable modes of transport, in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.
70. In terms of access a new pedestrian access door is proposed on the west elevation of the building to provide a direct entrance for DWP clients attending for health assessments. Potential changes to the highway surfacing are also proposed to facilitate disabled access and the Highway Officer has requested that these be covered by a planning condition requiring details of the disabled access to be submitted for further consideration to ensure the wider public footway is not detrimentally affected. In addition, a separate pedestrian access is proposed to the job centre utilising the existing entrance. No objections are raised to amendments to facilitate access into the west elevation.
71. The Highway Officer has advised that there has been some historical encroachment into the public highway from previous alterations to the Newgate Centre and that part of the public footway on the George Street elevation would be required to be 'stopped up', (ie have public highway rights legally extinguished, under s.247 of the T & CP Act 1990). In addition, the extension of the boundary wall on the north elevation to screen the plant area would also need to be covered by 'stopping up' of the affected land. The applicant is aware of this separate legal requirement and an informative can be added to the decision notice as a reminder of these requirements.
72. The most controversial aspect of the application involves the proposed closure of the existing pedestrian access at the north of the site and its replacement with a staff entrance. This existing access point provides a signposted public link between Fore Bondgate and the Newgate Centre through an existing archway from Fore Bondgate to Finkle Street. Consultation responses from the Highway Authority, the Spatial Planning Team, Bishop Auckland Town Council and the acting Programme Manager for Bishop Auckland have all raised objections / concerns about the loss of this link. The Bishop Auckland Master Plan also seeks to improve pedestrian connectivity in the town and the link from the Newgate Centre to Fore Bondgate forms a key pedestrian link that they would wish to see retained and improved.
73. Officers have been in contact with the planning agent during the course of the application to see if this established pedestrian link could be retained and the internal floorspace of the DWP reconfigured to accommodate the retention of the pedestrian access. Unfortunately, the planning agent has stated that such an alteration to the ground floor layout could not be achieved in a way that still fulfils the required internal layout for DWP.
74. The loss of this pedestrian link is also considered in the letter from the asset manager for the shopping centre. This letter of support highlights the economic benefit of DWP moving into the Newgate Centre arising from a £3 million pound investment into the centre and occupation of 3 units, 1 of which forms a vacant unit. In addition, the two units that are currently occupied would be relocated into 2 vacant units leading to the shopping centre having full ground floor occupation. The increased footfall of 101 full time equivalent DWP staff and over 940 clients a month to the Newgate Centre should also assist businesses in Newgate Centre and the Town Centre generally. The letter of support also points out that the pedestrian access on the north elevation could be closed at any time by the Newgate Centre. Officers have checked the original 1980 planning consent for the Newgate Centre

and can confirm that there are no conditions that require this pedestrian entrance to be retained for public use.

75. The loss of the pedestrian access to the north would mean that pedestrians approaching the centre from this direction would need to make a 60 metres detour from the Fore Bondgate link round the existing building to the front elevation. The Highway Authority has noted that if consent was granted then an improvement to the existing pavement on Finkle Street would need to include dropped crossings to facilitate disabled access and the re positioning of a lamp post that is currently within the footway to improve the pedestrian connectivity. These requirements would need to be covered by planning condition and carried out prior to the commencement of the use/building works. It is also suggested that the existing signage on the north elevation should include a directional arrow to signpost the pedestrian entrance into the Newgate Centre and this is conditioned accordingly.
76. Officers acknowledge the concerns raised about the loss of the pedestrian link and that it is unfortunate that it has not been possible to negotiate its retention as part of this application. However, it is not considered that there would be sufficient reason to refuse the application on the basis of this element of the proposed external alterations only. It is also noted that the applicant/centre management could close the doorway on the north elevation for public access at any time. It is also relevant that the economic investment in the Newgate Centre from the proposed use would provide a significant financial investment into Centre, including a beneficial use for vacant units and a significant footfall from both the employees and the clients accessing the building. Good connectivity from the shopping centre main entrances to Newgate Street to the east and bus station area would be retained and to the north there would continue to be reasonable access along Finkle Street to Fore Bondgate both through the pedestrian arch and along the road (Finkle Street). Officers therefore consider that on balance the proposal would satisfy the provisions of Part 7 and 9 of the NPPF and policy 21 of the CDP.

#### Residential Amenity

77. Paragraph 127 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Para. 180 of the NPPF specifies that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
78. Policy 29 of the CDP seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
79. In this case the proposal involves the addition of noise generating plant to the rear of the premises, that contains air conditioning plant and electric switch gear, and the introduction of louvres and outlets on the north elevation. The Environmental Health Officer has commented that whilst the development is within a mainly commercial area there are residential properties within 16 metres of the proposed the plant. As such during the course of the application a Plant Noise Assessment was submitted by RBA consultants with regard to the associated noise from the proposed plant etc and the associated background noise from the town centre. The report has been assessed by the Environmental Health Officer and he has concluded that subject to

conditions, which control the noise levels from the plant to 42dBA and requires the plant to be switched off every evening / night between the hours of 2100 and 0700 the noise associated with the plant will not detrimentally affect noise sensitive receptors and raises no objection to the application. Subject to conditions the application the proposal would therefore satisfy Policy 29 of the CDP and Part 15 of the NPPF.

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## **CONCLUSIONS**

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80. The application is to be determined in accordance with relevant policies set out within the CDP and therefore the application falls to be determined in accordance with Paragraph 11c of the NPPF which requires applications which accord with an up to date development plan to be approved without delay. The application proposes external alterations on the north and west elevations of the Newgate Shopping Centre and external plant adjacent to the north elevation on Finkle Street.
81. The proposed external alterations on the west elevation that forms the front elevation of the Newgate Centre facing the bus station and the north elevation facing Finkle Street are not considered to detract from the appearance of the shopping centre which in design terms is a functional modern building of its time and type that has limited architectural merit. The building is located outside the boundary of the Bishop Auckland Conservation Area and the alterations do not materially impact on the setting of the Conservation Area. Whilst plant, louvres and electronic switching gear are proposed to be located to the north of the building the submitted Plant Noise Assessment has demonstrated that noise sensitive receptors will be protected to the satisfaction of the County Environmental Health Officer subject to conditions limiting the hours of operation and noise levels from the plant.
82. With regard to pedestrian connectivity it is disappointing that the pedestrian access link into the Newgate Centre from the north (Finkle Street – and then onto Fore Bondgate) would be lost by the proposed changes. However, this loss has to be balanced against the continued availability of existing main access points to the centre and the level of inconvenience and impact on town centre users and business that would actually be caused by the revised arrangements. The economic benefit of the increased occupancy and investment in the Newgate Centre from the DWP occupation and associated footfall from its employees and clients into the centre and Bishop Auckland commercial centre would also be significant. It is also a material point that this entrance could be closed at any time without any control under the planning system
83. Objections from businesses, residents and consultees have primarily related to the loss of the public access link and have been taken into consideration. As discussed earlier, officers have tried to negotiate the retention of the link but as this is considered to form an essential part of the operational requirements of the DWP it was not possible to reach agreement. On the balance of material planning considerations, it is not considered that the loss of the footpath link would be a sustainable reason for refusal of the overall proposals.
84. The proposals are therefore considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 12, and 16 of the NPPF and in particular policies 21, 29, 31, and 44 of the CDP. The application is recommended for approval subject to the following conditions.

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## **RECOMMENDATION**

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85. That the application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

PROPOSED GROUND FLOOR, DWP45-MCB-XX-00-DR-A-0111-D5-P1(1), 14<sup>th</sup> April 2021

PROPOSED FIRST FLOOR PLAN DWP45-MCB-XX-01-DR-A-0111-D5-P1(1), 14<sup>th</sup> April 2021

SITE LOCATION AND LAYOUT PLAN - DWP45-MCB-XX-SI-DR-A-0200-D5-P1 – 14<sup>th</sup> April 2020

PROPOSED ELEVATIONS - DWP45-MCB-XX-ZZ-DR-A-0121-D5-P1 - 14<sup>th</sup> April 2020

*Reason: To define the consent and ensure that a satisfactory form of development is obtained Policies 21 and 29 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

3. Before the external development commences full engineering details of an improvement to the Finkle Street pedestrian footway (south side), linking west from the existing Newgate Centre pedestrian entrance to the George Street public footway shall be submitted to the Local Planning Authority and approved in writing. The submitted details shall include dropped kerbs at the Newgate Centre car park entrance, removal of raised block paving at car park entrance and replacement with footway construction, and relocation of streetlight no. 4438. The approved details shall then be implemented before the external alterations to the Newgate Centre are substantially completed.

*Reason: In the interests of pedestrian access to the Newgate Centre as the application will result in the closure of the northern pedestrian access into the shopping centre in accordance with Policy 29 of the County Durham Plan.*

4. Before the development commences, full engineering details of the proposed external entrance ramp on the George Street elevation shall be submitted to the Local planning Authority and approved in writing. The access ramp shall then be completed in accordance with the approved details within a period of 12 month from the commencement of the development hereby approved.

*Reason: To ensure the public footway is not detrimentally affected in accordance with Policies 21 and 29 of the County Durham Plan.*

5. The alterations to the boundary wall to the north of the site on Finkle Street shall be undertaken in bricks to match those on the existing wall in colour coursing and texture.

*Reason: In the interests of visual amenity in accordance with Policy 29 of the County Durham Plan.*

6. The plant to installed as part of this application is restricted to the plant described in the 'Plant Noise Assessment Report' reference 10978.RP01.PNA.0 dated 24 May 2021 and the operation of the plant shall be in accordance with Section 6.0 Vibration Control at all times.

*Reason: In the interests of the amenity of noise sensitive receptors in accordance with Policy 31 of the County Durham Plan and Part 15 of the NPPF.*

7. The plant described within Table 2 in section 5.1 the 'Plant Noise Assessment Report' reference 10978.RP01.PNA.0 dated 24 May 2021 shall not be in operation between the hours of 2100 to 0700hrs on any day.

*Reason: In the interests of the amenity of noise sensitive receptors in accordance with Policy 31 of the County Durham Plan and Part 15 of the NPPF.*

8. The rating level of noise emitted from the plant described within Table 2 in section 5.1 the 'Plant Noise Assessment Report' reference 10978.RP01.PNA.0 dated 24 May 2021 shall not exceed 42dB LAeq (1 hour) between the hours of 07.00-21.00 on any day. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the local planning authority the operator shall, within 28 days, produce a report to be submitted to the Local Planning Authority to demonstrate adherence with the above rating level for a requested time period.

*Reason: In the interests of the amenity of noise sensitive receptors in accordance with Policy 31 of the County Durham Plan and Part 15 of the NPPF.*

9. Before the pedestrian access on the north elevation of the Newgate Centre is closed for public pedestrian use details of a scheme of amended signage that includes directional information to the Newgate Centre shall be submitted to the Local planning Authority and approved in writing. The amended signage shall then be completed before the pedestrian access is closed to the public (excluding staff access).

*Reason: In the interests of pedestrian connectivity in the town centre in accordance with Policy 21 of the County Durham Plan and Part 9 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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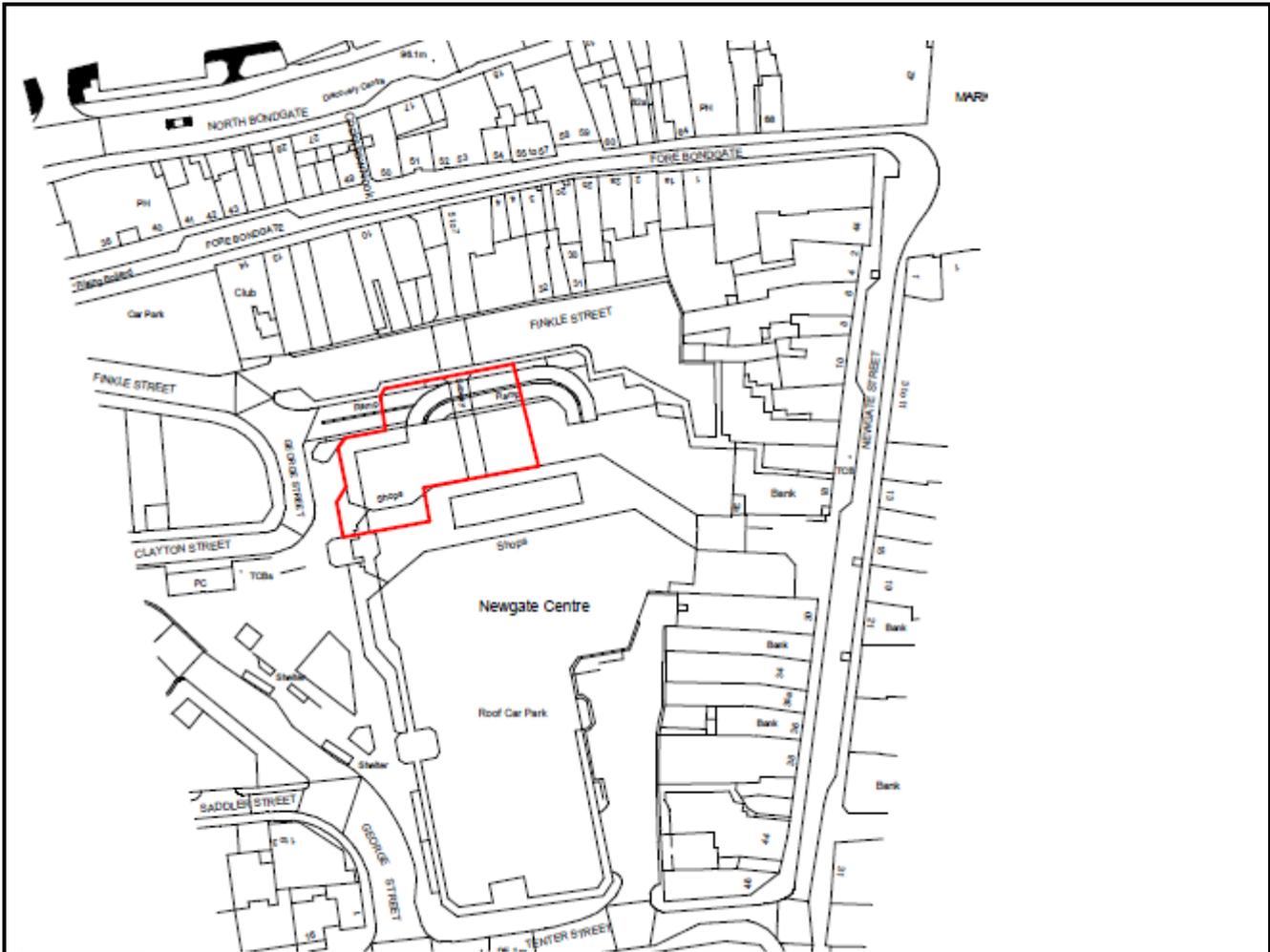
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to as later stage in the development

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>DM/21/01319/FPA          Extension to the school, relocation of external gym area, additional parking and extensions to car park</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	<p><b>Date</b> June 2021</p>

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/20/03233/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Detached 4 bedroom dwelling
<b>NAME OF APPLICANT:</b>	Mr & Mrs Stephen Walton
<b>ADDRESS:</b>	Land East Of Ornella View, Mickleton, Barnard Castle. DL12 0JY
<b>ELECTORAL DIVISION:</b>	Barnard Castle West
<b>CASE OFFICER:</b>	Susan Hyde, Planning Officer, 03000 263961, susan.hyde@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located within the village of Mickleton, which is in the upland Tees valley, 7 miles to the north west of the town of Barnard Castle and 1.5 miles to the south east of the village of Middleton-in Teesdale. Mickleton has a predominantly linear form, running east to west along the B6277 highway, and includes vernacular stone built properties, interspersed with areas of open green space within the village.
2. The application site forms a grassed area measuring 0.12 hectares and is mainly in an ancillary residential use by the dwelling Ornella View. Ornella View is a modern detached dwelling located on the south side of the B6277 in an elevated position located close to the east end of the village. The topography of the land rises from the highway and climbs to the north, the level change across the site from the highway measures approximately 6.5m in height.
3. Beyond Ornella View further to the west, is a Belle Settle which forms a historic group of former agricultural buildings. The northern boundary of the site is formed by a dry stone wall providing vehicular access on to the B6277, beyond are fields and further residential properties in Mickleton. The site is bounded to the east by trees, beyond which is an open field in active agricultural use. To the south of the site, a public right of way is located (Footpath 3 (Mickleton)), beyond which lies agricultural fields.
4. The application site is located in the Mickleton Conservation Area and in an area of Higher Landscape Value as designated in the County Durham Plan.

#### The Proposal

5. Planning permission is sought for the erection of a 4 bedroom detached dwelling, which would be a split level property, of traditional design and appearance. The

dwelling would be constructed of stone under a slate roof and measure approximately 11m in width, a depth of 7.5m and a pitch roof with a maximum height of 7.4m. The two storey element of the building would front out onto the B6277, while a single storey element measuring 12m in length by 6m in width would be located to the rear, effectively at a first floor level to accommodate the land level changes on site.

6. Vehicular access is proposed to be shared with Ornella View to the west via a proposed hardstanding/parking area.
7. The application is being reported to the Planning Committee at the request of Councillor Bell and Mickleton Parish Council due to concerns relating to the visual impact of the development on the Conservation Area.

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## **PLANNING HISTORY**

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8. Several planning applications have been made with regard to the Ornella View site, and neighbouring Belle Settle farmstead, this includes the erection of the Ornella View under application 6/1998/0321/DM and the extension of the residential curtilage of Ornella View under application 6/2008/0479/DM.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
13. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive

communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

14. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
16. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air design process and tools; determining a planning application; flood risk; healthy and

safe communities; historic environment; housing supply and delivery; land affected by contamination, land stability, natural environment; noise; public rights of way and local green space; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## LOCAL PLAN POLICY:

### The County Durham Plan (CDP)

21. *Policy 6 Development on unallocated Sites* - states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
22. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
23. *Policy 29 Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
24. *Policy 31 Amenity and Pollution* - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
26. *Policy 35 Water Management* - states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
27. *Policy 36 Disposal of Foul Water* - states that all new development should adopt the hierarchy of preference.

28. *Policy 39 Landscape* - states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
29. *Policy 40 Trees, Woodlands and Hedges* - states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
30. *Policy 41 Biodiversity and Geodiversity* - states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
31. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

32. *Mickleton Parish Council* – Raise objections to the application, advising that within the Mickleton Conservation Area Appraisal open spaces were identified as playing a significant part of the character of Mickleton, particularly the east of the village. The value of these open spaces was recognised in the Teesdale District Plan, and remaining open green spaces within the conservation area, are now nearly all being lost and any further development of an open space, would destroy the special and individual character of the village. The development would detrimentally impact on views out of, into and across the Conservation Area. It is also advised that the proposed design of the house is bland, out of character and detracts from the traditional charm and landscape of this very popular village and so does not enhance or preserve the character of the Conservation Area. Windows should be constructed of timber and be sliding sash. The road access to the proposed building would be via a shared drive with Ornella View, additional traffic movements could easily lead to road safety issues. This proposed development is on an elevated site and with the increased area of hard standing and the water run-off will further affect the highway drainage system, which already has issues of flooding problems in the vicinity of the road access. The water pressure is currently poor, and a new dwelling will make this worse.
33. *Highway Authority* – Raise no objection on highways grounds.

### **INTERNAL CONSULTEE RESPONSES:**

34. *Design and Conservation* – Advise that the principle of development from a conservation and design viewpoint is accepted on this site. Design amendments to simplify the north elevation were requested and these have been responded to positively. A more detailed analysis of the true impact of the development, given the

gradient of the site and the elevated position has been submitted. This confirms the new dwelling will be visually prominent and will have considerable presence in combination with Ornella View and other new development around Belle Settle. In reviewing the supporting information, while they down play the impact of the development, it is considered that, in order to mount any meaningful opposition to this proposal such impact would need to cause harm to the significance of the designated asset. Whilst undoubtedly this development will have an impact and it may be desirable to avoid such change for residents, the proposal is not considered harmful to the conservation area when considered against Policy 44 of the CDP. On balance and after careful consideration no objection is made to this proposal. For future reference, it would be suggested that this is the last development opportunity in this location in conjunction with previously completed construction and extant permissions. Should this application be approved then conditions requiring the submission of samples of all external materials, the construction of a stone sample panel, use of timber doors and windows throughout, joinery details at 1:20, details of colour finish (stain or paint) samples of all external hard landscaping materials and means of enclosure should be attached.

35. *Landscape* – Advise that the site is within an Area of High Landscape (AHLV) and within Mickleton Conservation Area. The site forms part of a large garden of the residential property to the west and is located within the settlement limits of the village. There are some trees on the site which add to the visual amenity of the character and appearance of the locality. Whilst the development would be a sufficient distance from the trees, one of trees (T2) requires removal due to disease. From the B6277 to the north, the proposal will be seen in a prominent elevated position above the road although will be seen in the context of the adjacent property and follow the general building alignment in this location south of the road. The proposal will require engineering works to address the site levels however the finished levels in these views will match those of Ornella View. From the public right of way that passes through the site directly to the south, whilst the proposal would be seen in the context of other built residential form within the settlement and along the footpath, the proposal will be clearly visible. The use of traditional materials of stone and would be appropriate to the location. However, in views from the PROW, there will be a large proportion of glass in the southern apexed elevation which do not reflect local fenestration detailing and vernacular language or the surrounding buildings, consideration of this matter should be given.
36. *Arboricultural Officer* – If the decision is to grant permission for the proposed development, it would be prudent to remove the ash tree due to pathogens in the tree. It is advised that further landscaping should take place within the garden which must include a replacement tree, replacement must attain the same growth and height potential of the ash.
37. *Archaeology* – Advise that the site is within the historic core of Mickleton, which is known to be a medieval village. The area appears to be greenfield, in that no building has occurred there, although aerial photos show some activity, this appears to be gardening related. There is archaeological potential for the site due to its location, and its previous use suggests archaeological remains could survive. Accordingly, a watching brief should be carried out on any ground disturbing works which is secured by condition.
38. *Ecology* – Raise no objections to the proposals on ecological grounds, subject to the inclusion of a breeding bird informative in order to address any risk of impact due to vegetation clearance.

39. *Environmental Health (Contaminated Land)* – In reviewing historical maps and available information with respect to land contamination, and the completed screening assessment form it is concluded that there is no requirement for a contaminated land condition.
40. *Environmental Health (Noise)* – The housing development is noise sensitive. The locality maybe regarded as a semi urban, rural setting with both residential housing and agricultural fields being near the site. There are no major roads near to the site, therefore relevant noise levels should be relatively low and comply with the thresholds, stipulated in the Technical Advice Notes. This would indicate that the development will not lead to an adverse impact. Considering, the scale of the development, the construction phase is likely to be relatively brief and a construction hours condition would regarding be appropriate.
41. *Public Rights of Way* - Public Footpath No 3, Mickleton passes within the Red Line Boundary on its southern alignment. Its existence is acknowledged in the application and it appears to remain unaffected by the proposal. A 1.1m post and rail fence is proposed to demarcate the garden area from the footpath, this is acceptable.

#### **INTERNAL CONSULTEE RESPONSES:**

42. *NWL* – Do not offer comments on aspects outside their area of control. Information offered in terms of sustainable surface water drainage hierarchy.

#### **PUBLIC RESPONSES:**

43. The application has been advertised by neighbour letters, a site notice and a press notice. A second round of neighbour notifications were undertaken following the receipt of additional information and cross section. This has resulted in 21 letters of objection being received against the application and 5 letters of support on the following grounds:
44. Objections:
  - There has been recent significant modern infill development in the village and this dwelling would further erode the open spaces which would be harmful to the character of the village, which is designated as a conservation area.
  - The open views out of the village should be protected.
  - The development would detract from the Conservation Area
  - The 2012 Conservation Area character appraisal and previous planning permissions sought to protect the open spaces within Mickleton Conservation Area
  - A Planning Inspector decision in 2009 spoke of the importance of maintaining this open green space in the Conservation Area.
  - Mickleton is seeking to improve its green spaces – not lose more of them
  - The design is not in keeping with the architecture of the village - particularly the north elevation
  - In combination with other developments in the area the proposal is an over development.
  - The development would add to light pollution in a dark sky area.
  - The ash tree on the development site should be retained.
  - There is no documented need for high end housing in Mickleton
  - The applicant has unfinished developments adjacent to the site and not built in accordance with planning consents
  - Concern that development here will create a precedent for additional development

- Mickleton is a village with limited services and public transport and not a sustainable location for further development. The NPPF seeks to prevent isolated homes in the countryside.
- Any new development should be affordable housing units to support local young residents
- The application site is a green field site not previously developed land
- The development would represent the loss of open space and green infrastructure.
- The development would detrimentally affect the footpath
- The vehicular access road is of concern
- The increase in hard standing will increase run off from the site and add to associated surface water drainage issues which are getting worse from climate change. There is an existing problem with the highway drainage in the area
- Errors in the plans are highlighted.
- The development will affect views and the amount of sunlight received to surrounding properties being situated on the skyline.

45. Support

- Owners of a local business's supports a further family home as it will bring another family into the area and help to support local businesses and keep facilities open.
- The only surface water drainage issue witnessed is from blocked drains near the public house
- There are 2 pubs / restaurants and a garage in walking distance of this site and another family would be welcomed in Mickleton
- The development would have little impact on the character of Mickleton

**APPLICANTS STATEMENT:**

46. The application site comprises the substantial side garden of Ornella View. The site is well related to the settlement of Mickleton, and is read very much as part of it. The construction of a dwelling in this location will represent a natural, small scale and appropriate level of infill development for the village which can help to sustain its facilities as well as facilities in nearby villages, maintaining their sustainability for families. A substantial garden will still be retained for the existing house, and the new house.
47. The application follows lengthy pre-application discussions with officers to arrive at a scheme which was appropriate in scale and design to the conservation area. The applicant has followed the advice provided carefully, and as a consequence the proposal is for a development very much in keeping with the area. The materials will be high quality and landscaping is proposed to soften the appearance of the development from the right of way to the rear of the plot.
48. We realise that some local people's views will change, but views are not a material planning consideration. The nearest houses to the north are around 50 metres away from the proposed house. Even having regard to the change in levels, the development will have no impact whatsoever on the amenity of occupiers of those houses by way of loss of privacy, light or outlook.
49. The application proposals are entirely in accordance with the newly adopted County Durham Plan, and as such we hope they can be supported.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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50. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, locational sustainability, housing land supply and effective use of land, heritage assets and scale/design, landscape/visual impact, privacy/amenity, highways, flooding and drainage, ecology and other issues.

The Principle of the Development:

51. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
52. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
  - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
  - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
  - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, it reflects priorities for urban regeneration.
53. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is considered to fall within the built up area of Mickleton and therefore subject to a detailed analysis of the impacts of the development, including against the criteria of Policy 6 the development is considered to be acceptable in principle.

#### Locational Sustainability

54. CDP Policy 6 part f requires that new development within or outside but well related to existing settlements has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
55. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
56. In this respect, it is noted that the village has a limited provision of facilities with pub, restaurant and garage in walking distance. A regular bus service provides access to the local facilities in Middleton in Teesdale and wider facilities in Barnard Castle. The nearest bus stop is located approximately 200m to the east of the site. In this context 1 dwelling is considered to be of a scale commensurate with the role and function of Mickleton and would represent infill development in an established village, located close to neighbouring residential property. The application site is not considered a rural location for the purposes of Paragraph 79 of the NPPF but would help support local services and amenities.
57. Having regard to the accessibility by sustainable modes of travel, the proportionality to the size of the settlement and service provision, it is considered the development of a single dwelling would accord with Policies 6 (Part f) and 21 of the CDP and Part 9 of the NPPF in this respect.

#### Housing land supply and Effective use of Land

58. With regards housing supply, Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

59. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated
60. Policy 6 of the CDP requires that development proposals make as much use as possible of PDL and reflect priorities for urban regeneration. The policy also sets out that inappropriate backland development should be avoided. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land.
61. The site is not considered previously development land (PDL), as it part forms part of the residential curtilage of Ornella View and agricultural land (although not in a productive use). However, the fact that the site is not classed as PDL does not in itself preclude development or result in policy conflict with the CDP or NPPF in this respect.
62. Objections have been received relating to the lack of demonstratable need for a 4-bedroom home in this location. While policies within the CDP and NPPF seek to promote a mix of dwellings types and sizes, at this scale of development there are no specific policy requirements regarding the scale/nature of the dwellings in a specific area or requirement to demonstrate need. The proposal would fall below the threshold for the provision of affordable housing or to meet the needs of older persons and people with disabilities (over and above building regulations requirements). It is also noted that Policy 19 of the CDP within the NPPF seeks to encourage self builds and custom builds
63. Overall, the Council has a healthy housing land supply and the weight afforded to the benefit of additional housing should be reduced accordingly, however the proposal would represent the provision of a self/custom build which CDP Policy 19 and the NPPF seeks to promote. There is no policy presumption against building on non PDL, and the development would fall below the threshold of affordable housing provision.

#### Heritage Assets and Scale/Design:

64. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.
65. NPPF parts 12 and 16 advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment
66. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
67. Part d of CDP Policy 6 requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 of the CDP outlines that development proposals

should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments.

68. The site is a relatively large plot of land that forms part of the perceived curtilage of Ornella View. The topography of the land rises from the highway to the south and climbs to the north with the proposed siting of the dwelling being on the brow of the land mass in a similar position to Ornella View, approximately 25m back from the highway. The front elevation is designed to reference a former agricultural dwelling with an arched opening, window above, and ventilation style openings at first floor. Materials are proposed to be in natural stone with a blue slate roof. The proposed two storey height of the building would reflect the adjacent two storey, detached dwelling to the west, Ornella View and the cross section of the site demonstrates that the ridge level of the new dwelling will be lower than that of Ornella View. To the rear the ground level change accommodates a single storey offshoot which would face onto the Public Right of Way.
69. This siting of the dwelling will be visible from public vantage points – notably the highway to the north where the dwelling will be viewed in conjunction with Ornella View and the grouping of Belle Settle. To the south where a public footpath is located immediately to the rear of the residential curtilage and the view of the single storey off shoot would be viewed beyond a proposed hedge.
70. The Mickleton Conservation Area appraisal 2012 identifies the predominant use of natural materials and the agrarian origins of the village reflected in the built form in the village. The proposed design of the dwelling references this on the front elevation. The appraisal details this area of Mickleton as being characterised by the open spaces between the built form of the village and the value of the retention of the open spaces. Reference is made in the plan to the former local plan, the Teesdale District Local Plan and protected open spaces, however following the adoption of the County Durham Plan the former local plan does not carry any weight. In the County Durham Plan all of Mickleton Conservation Area is covered with a designation of being in a higher landscape area.
71. In this case the significance of the site derives from the location in the conservation area. Significance is identified in the conservation area appraisal as contributing primarily to the remnants of openness between building groupings which remain more prevalent at the eastern end of the village. This site is not considered to be an area of open space to be protected as the site has the relationship and appearance of forming part of the wider residential curtilage of Ornella View. The boundary line to east of the site forms a clear defined line between the agricultural land beyond, which is considered an open space worthy of protection. This site has been carefully and thoroughly assessed by the Council's Design and Conservation Officer who advises that the site has the appearance of clearly forming part of the wider curtilage of Ornella View and differs in character from the more natural and rural space to the east of the site, and to the south of the site.
72. The key views identified in the conservation area appraisal in and from the village are not assessed to be detrimentally affected by the proposed development with the closest key view being the view from the open field to the east by Dr Hill. Due to the topography of the area, the boundary treatment, the alignment of the road and the use of the application site the open field to the east is viewed as a separate parcel of agricultural land to the application site. It is however considered that this is the last development opportunity in this location, in conjunction with previously completed

construction and extant permissions. Development of other sites would need to be assessed on their own planning merits.

73. In terms of the design of the building itself, the Design and Conservation Officer advises that design amendments to simplify the north elevation were requested and these have been responded to positively, and the design is considered acceptable. However in the event of an approval it is recommended that conditions should be attached to control the finer details of the design including materials to be used, joinery details (with a preference for timber windows) and details of all external hard landscaping materials and means of enclosure. It is also considered expedient to remove permitted development rights for the property given its sensitive location.
74. Other heritage assets in the locality are not assessed to be detrimentally affected by the proposed development with the closest listed building being 70 metres to the east on Robinsons Bank, and no non designated assets are affected.
75. The site is located within the historic core of Mickleton, which is known to be a medieval village. The Council's Archaeology Officer advises that the area appears to be greenfield, in that no building has occurred there, although aerial photos show some activity, that appears to be gardening related. There is archaeological potential for the site due to its location, and its previous use suggests archaeological remains could survive. Accordingly, it is advised that a watching brief should be carried out on any ground disturbing works which is secured by condition.
76. While the concerns of the Parish Council and residents are appreciated, it is considered that the proposed siting of the detached dwelling is not located in an area of open space that forms an important view in the conservation area. The siting is considered to be on land that has a close visual relationship with the wider residential curtilage of Ornella View and it is considered that the addition of one further dwelling in this location would be read as part of the small group of buildings adjacent to Bell Settle. The design of the building is also considered acceptable to the character of the conservation area. For the purposes of Policy 44 of the CDP, Part 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as advised by the Council's Design and Conservation Officer, the development is concluded to have a neutral impact on the conservation area and would not result in policy conflict or harm that would justify refusal of the planning application.

#### Landscape/Arboricultural impact

77. Policy 6 part d, of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

78. The site is located within an Area of High Landscape (AHLV) and within Mickleton Conservation Area. There are some trees on the site which add to the visual amenity of the character and appearance of the locality. Whilst the development would be a sufficient distance from the trees, one of trees (T2) requires removal due to disease and it is proposed to replace this with two replacement trees, which could be secured by a landscaping condition. The tree overhanging the access would also require some light pruning. The conclusions of the submitted Arboricultural reports are considered sound by the Council's Arboricultural Officer.
79. From the B6277 to the north, the Council's Landscape Officer has advised that the proposal will be seen in a prominent elevated position above the road, although in the context of the adjacent property Ornella View, and follows the general building alignment in this location south of the road. The proposal will require a limited amount of engineering works to address the site levels which are clarified in the submitted cross section however the finished levels will be similar, but a little lower than those of Ornella View. From the public right of way that passes the site directly to the south, the proposal would be seen in the context of other built residential form within the settlement. The proposed native species hedge along the south boundary will visually screen the residential development and forms an appropriate boundary treatment.
80. It is advised by the Landscape Officer that the proposed traditional materials of stone would be appropriate to the location. Along the eastern boundary where the site bounds the agricultural field there is an existing dry stone wall which is proposed to be retained which provides a clearly defined boundary between the agricultural and residential land.
81. Some concerns are raised regarding views from the PROW, where there would be a large proportion of glass in the southern apexed elevation which does not reflect local fenestration detailing and vernacular language or the surrounding buildings. In considering this matter and whilst the glazing element would to a degree be more prominent than a solid wall or reduced amount of glazing, this element is typical of modern rear extensions to which is how this element of the building would be read. The retained stone boundary wall and proposed boundary hedge would provide a degree of screening and softening from views from the Public Right of Way. On balance it is considered that this element would not result in a policy conflict or warrant refusal of this application.
82. Whilst there could be an increase in light pollution, this is considered to be limited due to the scale of the development and the existing development to the area, and would not likely have a significant impact on the dark sky designation of the wider area.
83. Overall, it is considered that the proposed development would assimilate into the surrounding landscape, being read in the context of existing development rather than an encroachment into the perceived countryside. The development is therefore considered to comply with Policies 6, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF in this respect.

#### Privacy / Amenity:

84. CDP Policy 6 part a requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 part e of the CDP requires all development to provide high standards of amenity and privacy and minimise the impact of development upon existing adjacent and nearby properties. CDP Policy 31 seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The

proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

85. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
86. Objections have been received from local residents in relation to the impact of the development in terms of overshadowing and overlooking.
87. The Councils Residential Amenity Standards SPD sets out that all new development, including new dwellings, will have some bearing on neighbouring properties, however it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should therefore ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts. In order to achieve these objectives, the following minimum standards should be applied to new residential developments of 2 storey scale:
  - Main facing elevation to main facing elevation containing window/s serving a habitable room - 21 metres between two storey buildings
  - Main facing elevation to gable wall which does not contain a window serving a habitable room - 13 metres to two storey gable, 10 metres to single storey gable
88. In addition, new developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9m unless site specific circumstances allow for a reduction in size.
89. In assessing the development against the above policy context, it is noted that the application site is located on a generous plot where the dwelling would be set back from the highway by approximately 25m. The minimum separation distances to neighbouring properties are therefore exceeded while an adequately sized garden for the existing and proposed property would be provided.
90. Residents to the north of the development site will be able to see the dwelling and it may appear in the skyline from some properties. While this could negatively reduce their view, the loss of a view is not a material planning consideration. While there may be increased shadowing over garden areas in winter months this is not considered to be of a sufficient impact to warrant refusal of the planning application on this basis given the separation distances set out above.
91. With regard to noise nuisance the Environmental Health Officers have assessed the submitted information, raising no objections to the proposals. Whilst housing

development is considered to be noise sensitive, the surrounding may be regarded as semi residential. There are no major roads near to the site, therefore relevant ambient noise levels should comply with the thresholds, stipulated in the TANs (Technical Advice Notes). Considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS.

92. Overall, whilst appreciating residents concerns, it is considered that the proposed development can be accommodated onto the site without resulting in overdevelopment, whilst achieving satisfactory levels of private amenity space. The development is therefore considered to satisfy the provisions of CDP Policies, 6, 9 and 31, the adopted residential amenity standards SPD and Parts 12 and 15 of the NPPF in this respect.

## Highways

93. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
94. The application site would be served via the existing vehicular access to Ornella View and two off street parking provision would be secured within the wider curtilage on a hardstand area to the side of the dwelling. Manoeuvring space would be provided within the plot to allow vehicles to leave in a forward gear. Although no specific parking bays are to be created and no garage provided, the Highways Authority consider the amount of off-road hardstand indicated would comfortably accommodate parking demand for a dwelling of this scale.
95. Overall, it is considered that the proposed development is acceptable from a highways perspective, with no highway objections are raised to the application. It is not considered that the resulting traffic increase serving the site would give rise to a severe cumulative impact on the local road network. Proposals would satisfy the provisions of CDP Policies 6, 21 and 29 and Part 9 of the NPPF.

## Flooding and Drainage

96. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. Meanwhile CDP Policy 36 concerns disposal of foul water. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
97. The application site is located in flood zone 1, with the lowest risk of flooding. The proposed development would be set back into the site and utilises the existing vehicular access. The additional area for parking and turning is proposed to be constructed of permeable cobbles in the interests of sustainable drainage and the

remainder of the site is proposed to be drained into the main combined sewer. Foul drainage is proposed to be drained via the mains drainage system. The submitted details of surface water drainage are adequate to demonstrate the development should avoid surface water run off onto the adjacent carriageway and/or localised flooding. It is noted that the existing highway has experienced localised flooding with drain blockages, however the Highways Authority has separate powers to address such matters. It is therefore considered that the proposal would comply with CDP Policies 35 and 36 and provisions of Part 14 of the NPPF in this respect.

## Ecology

98. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Part 15 of the NPPF ensures that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity.
99. In this respect after reviewing the submitted ecology reports in support of the application, The Council's Ecologist has raised no objection on ecological grounds advising that the proposals are considered acceptable subject to the inclusion of a breeding birds informative. It is therefore considered that the proposals would conform to CDP Policy 41 to the principles of Part 15 of the NPPF in this respect.

## Contamination

100. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
101. The Council's Environmental Health Team have assessed historical maps and available information with respect to land contamination including the completed screening assessment form. No objections to the development are offered and it is advised that there is no requirement for a contaminated land condition. The proposal would therefore accord with policy 32 of the CDP and Part 15 of the NPPF in this regard.

## Other matters

102. Objections have been received that the proposal lies outside settlement limits for the village as defined in the Teesdale District Local Plan (TDLP). The TDLP has now been superseded by the County Durham Plan and previous settlement boundaries are no longer afforded weight in decision making. The CDP does not include any settlement boundaries. Similarly, although previous decisions are material considerations, each application must be assessed on its own merits based on an assessment on the impacts of the development and against relevant planning policies in force at the time.
103. It is considered that the submitted plans as amended accurately reflect the development proposed and context of the site.

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## CONCLUSIONS

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104. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
105. It is concluded that the proposal would represent the development of a site that is well related to the existing settlement, is compatible with adjacent land uses, would not result in inappropriate back land development or loss of land that has a recreational, ecological or heritage value. The development is considered appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement and would not result in a negative impact on the character and appearance of the consideration area. The development would not be prejudicial to highway safety and is considered to be in a sustainable location. It is therefore concluded that the development would accord with relevant policies of the County Durham Plan and the NPPF.
106. The proposal has generated public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site location plan Received 06.11.2020

Proposed floor plans, elevations, site layout plan and cross section Drawing no. 01 Rev C Received 26<sup>th</sup> May 2021

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 35, 36, 39, 40 and 41, of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. Notwithstanding any details of materials submitted with the application no development shall take place above foundation level until samples of all proposed external walling and roofing materials, including precise details of heads, cills and surrounds and other external fenestration details, have been submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies 6, 29 and 44 of the County Durham Plan and the NPPF.*

4. No development shall take place above foundation level until a sample panel of the proposed stone and pointing to be used in the construction of the new build dwellings has been erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be retained for reference on site throughout construction. The development shall thereafter be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies 6, 29 and 44 of the County Durham Plan and the NPPF.*

5. Notwithstanding the submitted details, no windows or external doors shall be installed until their precise specification and colour finish details, including section and joinery details at a scale of no less than 1:20, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies 6, 29 and 44 of the County Durham Plan and the NPPF.*

6. Prior to occupation of the dwelling a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include accurate plan based details of the following:

Details of soft landscaping including planting species, sizes, layout, densities, numbers

Precise details of hard landscaping materials, including edging and boundary treatments, including bin storage

Details of external lighting

Provision of a native species hedgerow to the south of the site adjacent to the Public Right of Way.

Provision for the replacement of tree T2.

The detailing of permeable surfacing for all new hardstandings.

All means of enclosure

Landscaping shall be carried out in complete accordance with the approved landscaping scheme. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to provide biodiversity enhancement to comply with Policies 6, 29, 41 and 44 of the County Durham Plan and Parts 12 and 15 of the NPPF.*

7. The development hereby approved shall be carried out in complete accordance with the Arboricultural impact assessment (Andrew Hampton, Dated November 2020).

Tree protection as detailed in the Arboricultural impact assessment shall be installed prior to the commencement of any development on the site.

There shall be no storage of materials and equipment and no underground services trenches or service runs shall be installed within the root protection areas of retained trees as detailed in the Arboricultural Impact Assessment.

*Reason: To ensure the works do not adversely impact on existing mature trees around the site and to protect the visual amenities of the surrounding area, in accordance with Policy 40 of the County Durham Plan and Part 15 of the NPPF.*

8. The development hereby approved shall be implemented in complete accordance with the Preliminary Ecological Appraisal (All About Trees, Rev A, January 2020) and Ecological Assessment Biodiversity Calculations, All About Trees, February 2020) including but not restricted to retention and enhancement of the central grassland areas adjacent to the public footpath and southern boundary hedge and trees.

*Reason: To conserve protected species and their habitat in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.*

9. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, AA, B, C, D, E, F, G of Part 1 and Classes A and B of Part 2 of Schedule 2 to the said Order shall be carried out without written approval of the local planning authority, upon an application having been submitted to it.

*Reason: In order that the local planning authority may exercise further control in this locality in the interests of the visual and residential amenity of the area and to comply with Policies 6, 29, 39 and 44 of the County Durham Plan and aims of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and

representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Residential Amenity Standards SPD  
Mickleton Conservation Area Appraisal  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>DM/20/03233/FPA Land East Of Ornella View, Mickleton, Barnard Castle. DL12 0JY</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date June 2021</b></p>	

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/00500/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed refurbishment and modernisation of existing care facility, comprising 6no. apartments, 10no. resident bedrooms and 6no. staff accommodation rooms
<b>NAME OF APPLICANT:</b>	Mr G McKenna
<b>ADDRESS:</b>	Feryemount Nursing Home, North Street, Ferryhill, Co Durham
<b>ELECTORAL DIVISION:</b>	Ferryhill
<b>CASE OFFICER:</b>	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site relates to a former care home located within Ferryhill Town Centre. The site comprises a two storey building that faces south onto North Street and is set within mixed use surrounds. Neighbouring residential properties are present to the north, east and north west. To the immediate west is Ferryhill Library, and opposite to the south are Ferryhill Town Council Offices. Land to the north of the site drops away with adjacent dwellings in this direction at a lower ground level.
2. The former care home which first opened in 1972 has stood vacant for a number of years, albeit retains its authorised use for planning purposes to provide residential and personal care under the C2 (residential institution) use classification (C2 use allows for residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). There is no limitation on the age groups of residents who may occupy the site under this classification.
3. The application site is owned by Durham County Council and is subject to sale dependant on the outcome of the current planning application.

#### The Proposal

4. The proposed buyer seeks planning permission to refurbish the existing building, whilst maintaining its C2 use classification as a care home for young people. The refurbishment works comprise a complete renovation of the interior and exterior of the building to create 6no. apartments, 10no. resident bedrooms and 6no. staff accommodation rooms.

5. External works would involve the painting of brickwork a uniform navy blue colour with new external materials added in the form of timber and aluminium cladding. The existing roof is to be largely maintained, with the removal of some pitched roof features. Existing projecting bays would be replaced with a more contemporary design approach and some existing window openings increased in scale to allow for increased natural light into the restructured internal spaces. All PVC windows would be replaced with anthracite grey aluminium frames. To the rear, the existing single storey north west wing is to be demolished to introduce additional rear parking serving the facility and a larger garden space.
6. No change of use is proposed as part of the current application. In supporting documentation, the applicant explains how the intended use would be retained as C2 (residential care home). The proposed user group would comprise Children aged 8 – 17, with part of the facility being used specifically for teenage parents assessment and accommodation. The applicant reiterates that such use would not fall into the Secure Residential accommodation (C2A) use class, or the user group associated with that type of accommodation for which change of use consent would need to be secured. It is the intention that the facility will provide residential, therapeutic and educational services to children and teenage parents, along with support. The facility will be fully managed by on-site residential staff on a 24/7 shift basis.
7. The application has been referred to the Planning Committee by Cllr Atkinson on behalf of a number of local residents. Despite having been advised by Planning Officers that the application only relates to refurbishment works and would not involve any change of use, concerns are expressed over the impacts of the future use in terms of antisocial behaviour and the impact on the town's residents in terms of health, safety and wellbeing.

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## **PLANNING HISTORY**

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8. Planning approval was granted in March 1993 for refurbishment works to the premises (ref: 7/1993/0052/CM). In February 1999 consent was granted for the display of externally illuminated signage at the site (ref: 7/1998/0380/DM). Finally, in July 2016 an application was received to change the use of the site to create 22no. apartments (ref: DM/16/02386/FPA). This application was later withdrawn.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 6 - Building a strong, competitive economy.* Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for

development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

11. *NPPF Part 7 – Ensuring the vitality of town centres.* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
12. *NPPF Part 8 Promoting Healthy and Safe Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 - Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
15. *NPPF Part 12 - Achieving well-designed places.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 16 Conserving and enhancing the historic environment.* Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to;

determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

### The County Durham Plan

19. *Policy 9 (Retail hierarchy and town centre development)* seeks to support new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements.
20. *Policy 15 (Addressing housing need)* seeks to support the provision of specialist housing for older people, vulnerable adults and people with disabilities subject to specific criteria.
21. *Policy 21 (Delivering sustainable transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
22. *Policy 29 (Sustainable Design)* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
23. *Policy 31 (Amenity and pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
24. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
25. *Policy 44 (Historic environment)* requires development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

26. *Ferryhill Town Council* – No comments received.
27. *Highway Authority* – No objections raised.

### **INTERNAL CONSULTEE RESPONSES:**

28. *Design* – No objections. Details of materials and samples for consideration should be conditioned.
29. *Environmental Health (Noise)* – No objections, subject to condition controlling noise mitigation measures and the submission of a Construction Management Plan.
30. *Police Architectural Liaison Officer (PALO)* – No objections. Advice is given regarding 'Secured by Design Homes 2019 and Sheltered Accommodation Guidance.
31. *Ecology* – No objections, subject to condition requiring the submission of a bat method statement, to be agreed in writing by the Local Planning Authority prior to any works commencing on site.
32. *Children and Adult Services* – No comments received.

### **PUBLIC RESPONSES:**

33. The application has been publicised by way of site notice and notification letters to neighbouring residents. 16no. letters of objection/comment have been received, with a summary of the key areas of concern as follows:
  - Clarification over the intended use of the site and potential for a future change of use to Class C2A;
  - Fear of crime/safety/wellbeing;
  - Impact of renovation works on neighbouring property including the safe removal of hazardous materials;
  - Poor design;
  - Ecological impact;
  - Loss of privacy resulting from overlooking of neighbouring property;
  - Noise and disturbance resulting from future site use;
  - Lack of community consultation;
  - Highways impacts resulting from increased use of the site and shared access, with clarification requested over staff numbers and the possibility of painting yellow lines along the access road serving the site;

- Location of refuse facilities;
  - Clarification over means of enclosure;
34. A number of other concerns have been received which cannot be considered as material to the determination of this application. These are listed separately within the 'other matters' section of the officers report.
  35. Town Cllr J Makepeace objects to the application in terms of the intended use of the facility and resulting fear of crime/anti-social behaviour.
  36. 2no. letters of support have been received in response to the application (including one from Town Councillor Kate Graham). It is argued that the proposals will bring the vacant building back into use, enhancing and upgrading the Town Centre, whilst providing employment opportunity and investment/spending to the area. Furthermore, plans would provide a valuable service which gives future residents opportunity to develop physical, intellectual, emotional and social skills.
  37. Cllr Brian Avery has offered full support to the application.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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38. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, design/impact on heritage assets, privacy/amenity, highways and ecological impacts.

### The Principle of the Development

39. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
40. Feryemount is a former care home falling within the C2 use classification and is located within the heart of Ferryhill Town Centre. The site presently stands vacant and is in an increasing poor state of repair, and potentially attracting antisocial behaviour.
41. Part 11 of the NPPF seeks to ensure that planning decisions promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
42. Part 7 of the NPPF seeks to ensure that planning decisions support the role that town centres play at the heart of local communities, taking a positive approach to their growth, management and adaptation. This would link with Part 6 of the NPPF which seeks to ensure that planning decisions create conditions in which businesses can invest, expand and adapt.
43. Planning permission is sought for external alterations to the premises which would modernise the existing facility and facilitate its future occupation. This is a prominent site in a sustainable and accessible location within a mixed, town centre setting and

its reuse as a care facility is authorised for planning purposes and does not require separate planning permission.

44. The refurbishment and reuse of this facility would create employment opportunity both directly and indirectly as well as increased use of nearby town centre facilities. Furthermore, it is evident that failure to secure consent for these refurbishment and modernisation works would likely result in the applicant looking elsewhere, and the continued vacancy of this Council owned site into the future.
45. Proposals would therefore be consistent with the overarching principles of Parts 6, 7 and 11 of the NPPF. In accordance with paragraph 11C of the NPPF, there are no policy objections to the principle of the proposed refurbishment works subject to the following material planning considerations.

#### Design/Impact on heritage assets:

46. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
47. The application site is located within Ferryhill Town Centre and within the setting of numerous heritage assets. The site lies to the north and within the setting of 3no. Grade II listed War Memorials, and the Town Hall which is visible on the second edition OS map circa 1898 and may be considered a non-designated heritage asset.
48. NPPF Part 16 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The LPA should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Furthermore, in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
49. CDP Policy 44 requires new development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
50. The former care home presently stands vacant, showing signs of deterioration and vandalism. The existing building is considered to be bland and makes a limited contribution to the appearance of the street scene. It is therefore considered to have a neutral impact on the setting of the identified designated and non-designated heritage assets.

51. The intended refurbishment of the building is welcomed in design terms and would result in a building of contemporary character and appearance with more visual presence. Whilst the resulting impact may therefore be greater, the overall design quality should offset this increase in prominence. Whilst the painting of the external brickwork does not give rise to issues in principle, it will be important to ensure that the colour tone is suitably muted. To this end, details of materials and samples for consideration should therefore be conditioned. Subject to the above, no objections would be raised in the context of Parts 12 and 16 of the NPPF and CDP Policies 29 and 44.

#### Privacy/Amenity

52. CDP Policy 31 seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
53. Proposed refurbishment works would see the main building structure left largely intact albeit for the demolition of a single storey wing in the rear, north west corner of the site. Some local concerns have been raised over the impact of these demolition works in terms of disturbance to neighbouring property and danger of asbestos in the building.
54. The views of Environmental Health Officers have been sought who confirm that there are sensitive receptors in close proximity to the facility which could be impacted by way of noise and dust from the refurbishment and demolition works. Furthermore, future residents of the site may be impacted on by noise from traffic due to the change in glazing proposed.
55. Proposed works would be subject to the submission and prior approval of a site Construction Management Plan (CMP). The CMP would consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and detail mitigation proposed. With regards the presence of asbestos within the building, such matters can also be controlled through the submission and approval of a CMP which would need to be strictly adhered to.
56. The proposals also include the increase in size of some existing window openings, and the creation of new openings in order to improve light into the refurbished interior spaces. Given that new glazing is to be installed and the nature of the surrounding town centre environment, it is also recommended that approval be granted subject to a condition ensuring minimum noise levels are achieved through the implementation of mitigation measures. These measures would need to be installed prior to the beneficial occupation of the development and permanently retained thereafter.
57. The proposed works to facilitate the future occupation of the care facility do not represent new residential development, as such. Therefore, limited regard can be given to the Councils Residential Amenity Standards SPD which provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. Notwithstanding this, all future occupants would benefit from shared living/day room facilities, communal gardens and educational areas, with individual single bed apartments ranging in scale from 50m<sup>2</sup> to 70m<sup>2</sup>.

58. Given the siting of the building and separation to neighbouring uses, the works would not give rise to new overlooking/loss of privacy or overshadowing issues. The nearest residential properties to the north are located some 17.5m away (Windleaves and Devesoir – both bungalows). New window openings are proposed at the first floor level of the rear northern elevation facing Devesoir serving a proposed bedroom. Below this, at the ground floor level, existing openings are to be retained in this section of north facing elevation.
59. Given that the land falls away to the north of the site, Devesoir is positioned at a lower ground level (approximately 5.5m below the GF level of the care home). As a result, the aforementioned windows in the northern elevation would not directly overlook those facing south at the neighbouring property, with the first floor north facing windows having an unobscured line of sight above the ridge line of this neighbour.
60. Windleaves (the other bungalow), would be located to the north of the proposed parking area (following demolition of the existing wing), albeit this area would be screened behind new boundary enclosures and also positioned at a lower ground level.
61. External alterations to the easternmost elevation would see the majority of existing window openings blocked up. Those remaining openings will be altered in scale or slightly repositioned (in the case of a first floor window towards the rear of the site). These windows would serve staff bedrooms and a day room at the ground floor level, and an apartment at the first floor. None of these windows would present amenity issues or concerns in relation to the blank gable elevation or detached garage of no.23 North Street adjacent, and it is noted that the existing building already presents a far greater number of window openings towards this property.
62. Given the nature of use and separation to other neighbouring uses (a library to the immediate west and Town Hall and Clinic to the south), no amenity/privacy objections are raised.
63. In terms of boundary treatment, the submitted plans indicate that the majority of existing enclosures are to be retained to the rear of the site. The existing 1.8m high close boarded fence which encloses the private rear garden areas is to be extended with new fencing along the eastern boundary of the site, within the existing low level rail fence line to provide improved screening and security of this private garden area. In addition, the existing retaining wall which separates the proposed rear parking area from bungalows to the north is to include a 1m high fence on top, further screening direct views of properties at a lower level to the north. An enclosed private garden and bin store would also be created to the south of this parking area (again 1.8m high close boarded enclosures). To the south, the existing low level wall is to be extended along the frontage of the site.
64. Having regard to the above, it is considered that the proposed works can be carried out within the existing development footprint in a manner that achieves a satisfactory relationship with neighbouring properties. Subject to the recommendations of the Environmental Health Officer regarding noise levels and submission of a CMP, the application is considered to satisfy the provision of CDP Policy 31.

## Highways

65. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
66. Local objections have been received over the perceived highways impacts resulting from increased use of the site and shared access, with clarification requested over staff numbers and the possibility of painting yellow lines along the access road serving the site to prevent the parking of vehicles.
67. The current application seeks consent only for the proposed refurbishment works including the demolition of an existing building to the rear of the site to create additional off-street parking to serve the facility. The traffic movements associated with the use of the current site would be similar to that when the site was previously in use as a Class C2 care facility. Concerns relating to the painting of yellow lines cannot be considered in the context of the current submission.
68. Improved parking provision within the site curtilage is welcomed, with it confirmed in supporting documentation that the site will employ 6-8 staff, with no residents owning private vehicles. Given this is an existing care facility located within a town centre, immediately adjacent to public transportation hubs, there is no objection from the highways authority. Proposals would satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

## Ecology

69. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
70. The application is submitted alongside a Preliminary Roost Assessment for Bats and Birds (March 21) and a Bat Emergence Survey (May 21). Ecology officers note the lack of presence of protected species during the survey. It is however considered that due to the very late spring (which has delayed emergence/normal seasonal activity of the species), together with the historical presence of a roost onsite (as noted by the report author), that a bat method statement be produced, and agreed with the Local Planning Authority prior to any works commencing on site. Such detail can be controlled via condition. Subject to the above, no ecological objections are raised, with proposals to satisfy the provisions of Part 15 of the NPPF and CDP policy 41.

## Other matters

Clarification over the intended use of the site and potential for change of use to Class C2A;

71. The application seeks consent solely for the external alterations to the premises and not any change of use. The existing C2 use of the facility is to be retained as controlled by the terms of asset transfer, and the applicant is fully aware that any change of use would require a new planning consent. Written assurances have been provided by the applicant that the C2 use will remain.

## Fear of crime, health, safety and wellbeing

72. The NPPF sets out at paragraph 127 that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Paragraph 91 advises that, 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ...are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.
73. Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a Local Authority should consider when exercising its planning functions under Town and Country Planning legislation.
74. A number of objections have been received in response to the application, focusing specifically upon the nature of use proposed.
75. Officers have attempted to make it clear to interested parties that the application seeks consent only for the refurbishment works, with no change of use proposed. The site was formerly a C2 care facility and would remain under C2 use even though the current proposals seek to accommodate younger persons. As there would be no change of use involved, there would be nothing to stop the site being used for the use specified without the need for any further planning consent.
76. Notwithstanding this, and in supporting documentation, the applicant confirms that they intend to work with local residents to address any concerns they may have, as they understand the importance of integrating the facility into the local community. Assurances are given by the applicant that the future use of the site will remain as C2 and that it is reasonable for the LPA to condition this detail. The site would be staffed 24/7 and future residents would not fall into the C2A use classification for which further site security would be expected. Users of the facility would be encouraged to interact with their surrounds as well as benefitting from enclosed private amenity space surrounding the site. There is no evidence to suggest that the future occupation of the site for the proposes specified would give rise to antisocial behaviour.
77. The views of Durham Constabulary have also been sought who do not object to the proposals given they seek consent only for external refurbishment works. It has been suggested that consideration be given to enclosing the site for future security of residents, and the applicant is to be reminded of this detail by informative, with enclosure details having been submitted as part of the current application.

78. In conclusion on this issue, it is not considered that the refurbishment works subject of this application will result in any crime and disorder impacts.

#### Lack of community consultation

79. The application has been publicised by way of site notice and notification letters to all immediate neighbouring residents, which exceeds the minimum legal notification requirements. Whilst it may have been preferable for the applicant to engage with the local community prior to submitting the application, there is no requirement for the applicant to do this as part of the planning process.

#### Non material considerations

80. The following areas of concern as raised by objectors to the application cannot be considered as material planning considerations relevant to the proposed refurbishment works:
- The need for additional facilities of this nature in the town given the number of existing facilities nearby;
  - The background and intentions of the applicant;
  - Existing levels of antisocial behaviour within the settlement;
  - The location of the care home within the town centre, and in a settlement containing vulnerable residents and other care facilities. Such a location would not be the conducive environment for future users of the site.
  - Intended hours of operation of the facility;

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## **CONCLUSIONS**

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81. Planning permission is sought to carry out internal and external refurbishment and demolition works to the existing Feryemount care facility located within Ferryhill Town Centre. Works would support the future occupation of the facility for continued Class C2 use and would not concern a change of use of the facility. Consideration is given to the principle, of the works proposed and the resulting impact on neighbouring amenity and design/heritage impacts. Furthermore, highways and ecological impacts. A number of concerns have been raised by local residents and the points raised are taken into careful consideration, where material to the application. Proposals are considered to satisfy the provisions of Parts 6, 7, 8, 9, 11, 12, 15 and 16 of the NPPF and policies 9, 15, 21, 29, 31, 41 and 44 of the County Durham plan. Subject to the following conditions, the application is recommended for approval.

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## **RECOMMENDATION**

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Recommendation that the application is:

### **APPROVED subject to the following conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:  
210001-ZZ-DR-00-50-P1 (Location Plan), received 16 February 2021  
210001-ZZ-DR-20-51-P1 (Proposed site plan), received 16 February 2021

210001-00-DR-A-20-01-P1 (Ground floor plan), received 16 February 2021  
210001-00-DR-A-20-01-P1 (First floor plan), received 16 February 2021  
210001-RL-DR-A-20-01-P1 (Roof level), received 16 February 2021  
210001-ZZ-DR-A-20-10-P1 (North and south elevations), received 16 February 2021  
210001-ZZ-DR-A-20-11-P1 (East and west elevations), received 16 February 2021  
210001-ZZ-DR-A-20-12-P1 (East courtyard elevations), received 16 February 2021  
210001-ZZ-DR-A-20-13-P1 (West courtyard elevations), received 16 February 2021  
Boundaries Plan, received 23 April 2021

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 9, 15, 19, 21, 29, 31, 41 and 44 of the County Durham Plan and Parts 5, 6, 7, 8, 9, 11, 12 and 16 of the NPPF.*

3. Notwithstanding any details of materials submitted with the application no construction work shall commence until samples of the external walling, roofing, fascia, doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with paragraph 189 of the NPPF.*

4. Prior to the commencement of any part of the development or any works of demolition, a scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from road traffic/commercial noise and should ensure the following noise levels are achieved:
  - 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
  - 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
  - 45 dB LAmax in bedrooms during the night-time
  - 55dB LAeq 16hr in outdoor living areas

Any noise mitigation measures required shall be installed prior to the beneficial occupation of the development and shall be permanently retained thereafter.

*Reason: In the interest of amenity in accordance with Policy 31 of the County Durham Plan.*

5. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
2. Details of methods and means of noise reduction
3. Designation, layout and design of construction access and egress points;
4. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

5. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
6. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
7. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
8. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
9. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: In the interest of amenity in accordance with Policy 31 of the County Durham Plan.*

6. Prior to the commencement of any part of the development or any works of demolition, a bat method statement shall be submitted to and approved in writing with the Local Planning Authority. Works shall be carried out in accordance with the approved document thereafter.

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.*

7. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

Statutory consultation responses

Internal consultation responses

External consultation responses



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**Planning Services**

Proposed refurbishment and modernisation of existing care facility, comprising 6no. apartments, 10no. bedrooms and 6no. staff accommodation rooms

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<b>Comments</b>	
<b>Date 22 June 2021</b>	